



General Assembly

**Amendment**

January Session, 2011

LCO No. 6557

**\*HB0644006557HDO\***

Offered by:

REP. FOX, 146<sup>th</sup> Dist.

REP. LYDDY, 106<sup>th</sup> Dist.

To: Subst. House Bill No. 6440

File No. 677

Cal. No. 420

**"AN ACT CONCERNING APPLICATIONS FOR GUARDIANSHIP OF AN ADULT WITH INTELLECTUAL DISABILITY AND STATUTORY CHANGES RELATED TO INTELLECTUAL DISABILITY."**

1 Strike everything after the enacting clause and substitute the  
2 following in lieu thereof:

3 "Section 1. Section 45a-670 of the general statutes is repealed and the  
4 following is substituted in lieu thereof (*Effective October 1, 2011*):

5 (a) An application for guardianship may be filed by the court on its  
6 own motion or by any adult person. The application and all records of  
7 Probate Court proceedings held as a result of the filing of such  
8 application, except for the name of any guardian of the respondent,  
9 shall be sealed and shall be made available only to the respondent or  
10 the respondent's counsel or guardian, and to the Commissioner of  
11 Developmental Services or the commissioner's designee, unless the  
12 Probate Court, after hearing held with notice to the respondent or the  
13 respondent's counsel or guardian, and to the commissioner or the

14 commissioner's designee, determines that such application and records  
15 should be disclosed for cause shown. An application filed by the court  
16 on its own motion shall contain a statement of the facts on which the  
17 court bases its motion, and such statement of facts shall be included in  
18 any notice to the respondent. Any other application filed shall allege  
19 that a respondent, by reason of the severity of the respondent's [mental  
20 retardation] intellectual disability is unable to meet essential  
21 requirements for the respondent's physical health and safety and  
22 unable to make informed decisions about matters relating to the  
23 respondent's care. Such application shall be filed in the court of  
24 probate in the district in which the respondent resides or is domiciled.  
25 Such application shall state: (1) Whether there is, in any jurisdiction, a  
26 guardian, limited guardian, or conservator for the respondent; (2) the  
27 extent of the respondent's inability to meet essential requirements for  
28 the respondent's physical health or safety, and the extent of the  
29 respondent's inability to make informed decisions about matters  
30 related to the respondent's care; (3) any other facts upon which  
31 guardianship is sought; and (4) in the case of a limited guardianship,  
32 the specific areas of protection and assistance required for the  
33 respondent.

34 (b) An application for guardianship may be filed by the parent or  
35 guardian of a minor child up to one hundred eighty days prior to the  
36 date such child attains the age of eighteen if the parent or guardian  
37 anticipates that such minor child will require a guardian upon  
38 attaining the age of eighteen. The court may grant such application in  
39 accordance with this section, provided such order shall take effect no  
40 earlier than the date the child attains the age of eighteen.

41 Sec. 2. Section 1-1g of the general statutes, as amended by section 1  
42 of public act 11-16, is repealed and the following is substituted in lieu  
43 thereof (*Effective October 1, 2011*):

44 (a) For the purposes of sections [4a-60,] 17a-210b, as amended by  
45 [this act, 17a-580,] public act 11-16 and 38a-816, [45a-669 to 45a-684,  
46 inclusive, 46a-11a to 46a-11g, inclusive, as amended by this act, 46a-51,

47 46a-64b, 46b-84, 53a-46a, 53a-59a, 53a-60b, 53a-60c, 53a-61a, 53a-320  
48 and 54-56d,] mental retardation means a significantly subaverage  
49 general intellectual functioning existing concurrently with deficits in  
50 adaptive behavior and manifested during the developmental period.

51 (b) For the purposes of sections 2c-2b, 4a-60, 4b-28, as amended by  
52 this act, 4b-31, 8-2g, 8-3e, 8-119t, as amended by this act, 9-159s, 10-91f,  
53 12-81, as amended by this act, 17a-210, as amended by [this act] public  
54 act 11-16, 17a-210b, as amended by [this act] public act 11-16, 17a-215c,  
55 17a-217 to 17a-218a, inclusive, as amended by [this act] public act 11-  
56 16, 17a-220, as amended by [this act] public act 11-16, 17a-226 to 17a-  
57 227a, inclusive, as amended by [this act] public act 11-16, 17a-228, as  
58 amended by [this act] public act 11-16, 17a-231 to 17a-233, inclusive, as  
59 amended by [this act] public act 11-16, 17a-247 to 17a-247b, inclusive,  
60 as amended by [this act] public act 11-16, 17a-270, as amended by [this  
61 act] public act 11-16, 17a-272 to 17a-274, inclusive, as amended by [this  
62 act] public act 11-16, 17a-276, as amended by [this act] public act 11-16,  
63 17a-277, as amended by [this act] public act 11-16, 17a-281, as amended  
64 by [this act] public act 11-16, 17a-282, as amended by [this act] public  
65 act 11-16, 17a-580, as amended by this act, 17a-593, 17a-594, 17a-596,  
66 17b-226, as amended by this act, 19a-638, as amended by this act, 45a-  
67 598, 45a-669, 45a-670, as amended by this act, 45a-672, 45a-674, as  
68 amended by this act, 45a-676, 45a-677, 45a-678, 45a-679, 45a-680, 45a-  
69 681, 45a-682, 45a-683, [and] 46a-11a to 46a-11g, inclusive, as amended  
70 by this act and public act 11-16, 46a-51, 46a-60, 46a-64, 46a-64b, 46a-66,  
71 46a-70, 46a-71, 46a-72, 46a-73, 46a-75, 46a-76, 46b-84, 52-146o, 53a-46a,  
72 53a-59a, as amended by this act, 53a-60b, as amended by this act, 53a-  
73 60c, as amended by this act, 53a-61a, as amended by this act, 53a-181i,  
74 53a-320, as amended by this act, 53a-321, as amended by this act, 53a-  
75 322, as amended by this act, 53a-323, as amended by this act, 54-56d, as  
76 amended by this act, and 54-250, "intellectual disability" shall have the  
77 same meaning as "mental retardation" as defined in subsection (a) of  
78 this section.

79 (c) As used in subsection (a) of this section, "general intellectual  
80 functioning" means the results obtained by assessment with one or

81 more of the individually administered general intelligence tests  
82 developed for that purpose and standardized on a significantly  
83 adequate population and administered by a person or persons  
84 formally trained in test administration; "significantly subaverage"  
85 means an intelligence quotient more than two standard deviations  
86 below the mean for the test; "adaptive behavior" means the  
87 effectiveness or degree with which an individual meets the standards  
88 of personal independence and social responsibility expected for the  
89 individual's age and cultural group; and "developmental period"  
90 means the period of time between birth and the eighteenth birthday.

91 Sec. 3. Subsection (b) of section 4b-28 of the general statutes is  
92 repealed and the following is substituted in lieu thereof (*Effective*  
93 *October 1, 2011*):

94 (b) Each state agency, commission or department, except the  
95 Department of Transportation, that plans to construct or enlarge a  
96 building or underground utility facility, which project has an  
97 estimated cost of one hundred thousand dollars or more, shall give  
98 written notice to the chief executive officer of the town, city or borough  
99 in which such project is planned, and to the members of the General  
100 Assembly representing such town, city or borough, not later than sixty  
101 days before advertising for bids for such project. If a state agency,  
102 commission or department plans to do such construction or  
103 enlargement itself, it shall give such notice not later than sixty days  
104 before beginning the work. Notwithstanding the provisions of this  
105 subsection, if the executive authority of the agency, commission or  
106 department determines that an emergency exists or that compliance  
107 with the provisions of this subsection would increase the cost of the  
108 construction or enlargement project, such agency, commission or  
109 department shall give such notice as soon as practicable. As used in  
110 this section, "executive authority" shall be construed as defined in  
111 section 4-37e. The provisions of this section shall not apply to a  
112 community-based residential facility for [mentally retarded or  
113 mentally ill individuals] individuals with intellectual disability or  
114 persons with psychiatric disabilities.

115 Sec. 4. Section 8-119t of the general statutes is repealed and the  
116 following is substituted in lieu thereof (*Effective October 1, 2011*):

117 (a) The Commissioner of Economic and Community Development  
118 shall encourage the development of independent living opportunities  
119 for low and moderate income handicapped and developmentally  
120 disabled persons by making grants-in-aid, within available  
121 appropriations, to state-wide, private, nonprofit housing development  
122 corporations which are organized and operating for the purpose of  
123 expanding independent living opportunities for such persons. Such  
124 grants-in-aid shall be used to facilitate the development of small,  
125 noninstitutionalized living units for such persons, through programs  
126 including, but not limited to, preproject development, receipt of  
127 federal funds, site acquisition and architectural review. For the  
128 purposes of this part, "handicapped and developmentally disabled  
129 persons" means any persons who are physically or mentally  
130 handicapped, including, but not limited to, [mentally retarded,]  
131 persons with autism, persons with intellectual disability or persons  
132 who are physically disabled [,] or sensory impaired. [and autistic  
133 persons.]

134 (b) The Commissioner of Economic and Community Development  
135 shall adopt regulations, in accordance with chapter 54, to carry out the  
136 purposes of this section.

137 Sec. 5. Subparagraph (B) of subdivision (7) of section 12-81 of the  
138 general statutes is repealed and the following is substituted in lieu  
139 thereof (*Effective October 1, 2011*):

140 (B) On and after July 1, 1967, housing subsidized, in whole or in  
141 part, by federal, state or local government and housing for persons or  
142 families of low and moderate income shall not constitute a charitable  
143 purpose under this section. As used in this subdivision, "housing" shall  
144 not include real property used for temporary housing belonging to, or  
145 held in trust for, any corporation organized exclusively for charitable  
146 purposes and exempt from taxation for federal income tax purposes,

147 the primary use of which property is one or more of the following: (i)  
148 An orphanage; (ii) a drug or alcohol treatment or rehabilitation facility;  
149 (iii) housing for homeless, [retarded or] mentally or physically  
150 handicapped individuals or persons with intellectual disability, or for  
151 battered or abused women and children; (iv) housing for ex-offenders  
152 or for individuals participating in a program sponsored by the state  
153 Department of Correction or Judicial Branch; and (v) short-term  
154 housing operated by a charitable organization where the average  
155 length of stay is less than six months. The operation of such housing,  
156 including the receipt of any rental payments, by such charitable  
157 organization shall be deemed to be an exclusively charitable purpose;

158 Sec. 6. Section 17a-580 of the general statutes is repealed and the  
159 following is substituted in lieu thereof (*Effective October 1, 2011*):

160 As used in sections 17a-581 to 17a-602, inclusive, and this section:

161 (1) "Acquittee" means any person found not guilty by reason of  
162 mental disease or defect pursuant to section 53a-13;

163 (2) "Board" means the Psychiatric Security Review Board established  
164 pursuant to section 17a-581;

165 (3) "Conditional release" means release subject to the jurisdiction of  
166 the board for supervision and treatment on an outpatient basis and  
167 includes, but is not limited to, the monitoring of mental and physical  
168 health treatment;

169 (4) "Court" means the Superior Court;

170 (5) "Danger to himself or others" includes danger to the property of  
171 others;

172 (6) "Hospital for mental illness" means any public or private  
173 hospital, retreat, institution, house or place in which a person with  
174 psychiatric disabilities or drug-dependent person is received or  
175 detained as a patient, but does not include any correctional institution  
176 of the state;

177 (7) "Mental illness" includes any mental illness in a state of  
178 remission when the illness may, with reasonable medical probability,  
179 become active;

180 (8) ["Mental retardation" means mental retardation as defined in  
181 section 1-1g] "Intellectual disability" has the same meaning as provided  
182 in section 1-1g, as amended by this act;

183 (9) "Person who should be conditionally released" means an  
184 acquittee who has psychiatric disabilities or [is mentally retarded] has  
185 intellectual disability to the extent that his final discharge would  
186 constitute a danger to himself or others but who can be adequately  
187 controlled with available supervision and treatment on conditional  
188 release;

189 (10) "Person who should be confined" means an acquittee who has  
190 psychiatric disabilities or [is mentally retarded] has intellectual  
191 disability to the extent that [his] such acquittee's discharge or  
192 conditional release would constitute a danger to [himself] the acquittee  
193 or others and who cannot be adequately controlled with available  
194 supervision and treatment on conditional release;

195 (11) "Person who should be discharged" means an acquittee who  
196 does not have psychiatric disabilities or [is not mentally retarded] does  
197 not have intellectual disability to the extent that [his] such acquittee's  
198 discharge would constitute a danger to [himself] the acquittee or  
199 others;

200 (12) "Psychiatrist" means a physician specializing in psychiatry and  
201 licensed under the provisions of sections 20-9 to 20-12, inclusive;

202 (13) "Psychologist" means a clinical psychologist licensed under the  
203 provisions of sections 20-186 to 20-195, inclusive;

204 (14) "State's attorney" means the state's attorney for the judicial  
205 district wherein the acquittee was found not guilty by reason of mental  
206 disease or defect pursuant to section 53a-13;

207 (15) "Superintendent" means any person, body of persons or  
208 corporation, or the designee of any such person, body of persons or  
209 corporation, which has the immediate supervision, management and  
210 control of a hospital for mental illness and the patients therein.

211 Sec. 7. Section 17b-226 of the general statutes is repealed and the  
212 following is substituted in lieu thereof (*Effective October 1, 2011*):

213 The state shall take into consideration the costs mandated by  
214 collective bargaining agreements with certified collective bargaining  
215 agents or other agreements between employers and employees when  
216 making grants to or entering into contracts for services with the  
217 following: (1) Nonprofit organizations for mental health services  
218 pursuant to section 17a-476; (2) nonprofit organizations concerning  
219 services for drug-dependent and alcohol-dependent persons pursuant  
220 to section 17a-676; (3) residential and educational services pursuant  
221 to subsections (a) and (b) of section 17a-17; (4) psychiatric clinics and  
222 community mental health facilities pursuant to section 17a-20; (5) day  
223 treatment centers pursuant to section 17a-22; (6) youth service bureaus  
224 pursuant to subsection (a) of section 10-19n; (7) programs for the  
225 treatment and prevention of child abuse and neglect and for juvenile  
226 diversion pursuant to section 17a-49; (8) community-based service  
227 programs pursuant to sections 18-101i and 18-101k; (9) programs for  
228 [mentally retarded] children and adults with intellectual disability  
229 pursuant to section 17a-217; (10) community-based residential facilities  
230 for [mentally retarded] persons with intellectual disability pursuant to  
231 section 17a-218; and (11) vocational training programs for [mentally  
232 retarded] adults with intellectual disability pursuant to section 17a-  
233 226.

234 Sec. 8. Subdivision (17) of subsection (a) of section 19a-638 of the  
235 general statutes is repealed and the following is substituted in lieu  
236 thereof (*Effective October 1, 2011*):

237 (17) A residential facility for [the mentally retarded] persons with  
238 intellectual disability licensed pursuant to section 17a-227 and certified

239 to participate in the Title XIX Medicaid program as an intermediate  
240 care facility for the mentally retarded;

241 Sec. 9. Section 45a-674 of the general statutes is repealed and the  
242 following is substituted in lieu thereof (*Effective October 1, 2011*):

243 At any hearing for appointment of a plenary guardian or limited  
244 guardian of the person with [mental retardation] intellectual disability,  
245 the court shall receive evidence as to the condition of the respondent,  
246 including a written report or testimony by a Department of  
247 Developmental Services assessment team appointed by the  
248 Commissioner of Developmental Services or his designee, no member  
249 of which is related by blood, marriage or adoption to either the  
250 applicant or the respondent and each member of which has personally  
251 observed or examined the respondent within forty-five days next  
252 preceding such hearing. The assessment team shall be comprised of at  
253 least two representatives from among appropriate disciplines having  
254 expertise in the evaluation of persons alleged to [be mentally retarded]  
255 have intellectual disability. The assessment team members shall make  
256 their report on a form provided for that purpose by the Office of the  
257 Probate Court Administrator and shall answer questions on such form  
258 as fully and completely as possible. The report shall contain specific  
259 information regarding the severity of the [mental retardation]  
260 intellectual disability of the respondent and those specific areas, if any,  
261 in which he needs the supervision and protection of a guardian, and  
262 shall state upon the form the reasons for such opinions. The applicant,  
263 respondent or his counsel shall have the right to present evidence and  
264 cross-examine witnesses who testify at any hearing on the application.  
265 If such respondent or his counsel notifies the court not less than three  
266 days before the hearing that he wishes to cross-examine the witnesses,  
267 the court shall order such witnesses to appear. The fees for such  
268 assessment team shall be paid from funds appropriated to the  
269 Department of Developmental Services.

270 Sec. 10. Subsection (b) of section 46a-11b of the general statutes, as  
271 amended by section 37 of public act 11-16, is repealed and the

272 following is substituted in lieu thereof (*Effective October 1, 2011*):

273 (b) Such report shall contain the name and address of the allegedly  
274 abused or neglected person, a statement from the person making the  
275 report indicating his belief that such person has intellectual disability,  
276 information supporting the supposition that such person is  
277 substantially unable to protect himself from abuse or neglect,  
278 information regarding the nature and extent of the abuse or neglect  
279 and any other information which the person making such report  
280 believes might be helpful in an investigation of the case and the  
281 protection of such person with [mental retardation] intellectual  
282 disability.

283 Sec. 11. Section 53a-59a of the general statutes is repealed and the  
284 following is substituted in lieu thereof (*Effective October 1, 2011*):

285 (a) A person is guilty of assault of an elderly, blind, disabled [,] or  
286 pregnant [or mentally retarded] person or a person with intellectual  
287 disability in the first degree, when such person commits assault in the  
288 first degree under section 53a-59(a)(2), 53a-59(a)(3) or 53a-59(a)(5) and  
289 (1) the victim of such assault has attained at least sixty years of age, is  
290 blind or physically disabled, as defined in section 1-1f, or is pregnant,  
291 or (2) the victim of such assault is a person with [mental retardation]  
292 intellectual disability, as defined in section 1-1g, as amended by this  
293 act, and the actor is not a person with [mental retardation] intellectual  
294 disability.

295 (b) No person shall be found guilty of assault in the first degree and  
296 assault of an elderly, blind, disabled [,] or pregnant [or mentally  
297 retarded] person or a person with intellectual disability in the first  
298 degree upon the same incident of assault but such person may be  
299 charged and prosecuted for both such offenses upon the same  
300 information.

301 (c) In any prosecution for an offense under this section based on the  
302 victim being pregnant it shall be an affirmative defense that the actor,  
303 at the time such actor engaged in the conduct constituting the offense,

304 did not know the victim was pregnant. In any prosecution for an  
305 offense under this section based on the victim being a person with  
306 [mental retardation] intellectual disability, it shall be an affirmative  
307 defense that the actor, at the time such actor engaged in the conduct  
308 constituting the offense, did not know the victim was a person with  
309 [mental retardation] intellectual disability.

310 (d) Assault of an elderly, blind, disabled [,] or pregnant [or mentally  
311 retarded] person or a person with intellectual disability in the first  
312 degree is a class B felony and any person found guilty under this  
313 section shall be sentenced to a term of imprisonment of which five  
314 years of the sentence imposed may not be suspended or reduced by  
315 the court.

316 Sec. 12. Section 53a-60b of the general statutes is repealed and the  
317 following is substituted in lieu thereof (*Effective October 1, 2011*):

318 (a) A person is guilty of assault of an elderly, blind, disabled [,] or  
319 pregnant [or mentally retarded] person or a person with intellectual  
320 disability in the second degree when such person commits assault in  
321 the second degree under section 53a-60 or larceny in the second degree  
322 under section 53a-123(a)(3) and (1) the victim of such assault or larceny  
323 has attained at least sixty years of age, is blind or physically disabled,  
324 as defined in section 1-1f, or is pregnant, or (2) the victim of such  
325 assault or larceny is a person with [mental retardation] intellectual  
326 disability, as defined in section 1-1g, as amended by this act, and the  
327 actor is not a person with [mental retardation] intellectual disability.

328 (b) No person shall be found guilty of assault in the second degree  
329 or larceny in the second degree under section 53a-123(a)(3) and assault  
330 of an elderly, blind, disabled [,] or pregnant [or mentally retarded]  
331 person or a person with intellectual disability in the second degree  
332 upon the same incident of assault or larceny, as the case may be, but  
333 such person may be charged and prosecuted for all such offenses upon  
334 the same information.

335 (c) In any prosecution for an offense under this section based on the

336 victim being pregnant it shall be an affirmative defense that the actor,  
337 at the time such actor engaged in the conduct constituting the offense,  
338 did not know the victim was pregnant. In any prosecution for an  
339 offense under this section based on the victim being a person with  
340 [mental retardation] intellectual disability, it shall be an affirmative  
341 defense that the actor, at the time such actor engaged in the conduct  
342 constituting the offense, did not know the victim was a person with  
343 [mental retardation] intellectual disability.

344 (d) Assault of an elderly, blind, disabled [,] or pregnant [or mentally  
345 retarded] person or a person with intellectual disability in the second  
346 degree is a class D felony and any person found guilty under this  
347 section shall be sentenced to a term of imprisonment of which two  
348 years of the sentence imposed may not be suspended or reduced by  
349 the court.

350 Sec. 13. Section 53a-60c of the general statutes is repealed and the  
351 following is substituted in lieu thereof (*Effective October 1, 2011*):

352 (a) A person is guilty of assault of an elderly, blind, disabled [,] or  
353 pregnant [or mentally retarded] person or a person with intellectual  
354 disability in the second degree with a firearm when such person  
355 commits assault in the second degree with a firearm under section  
356 53a-60a and (1) the victim of such assault has attained at least sixty  
357 years of age, is blind or physically disabled, as defined in section 1-1f,  
358 or is pregnant, or (2) the victim of such assault is a person with [mental  
359 retardation] intellectual disability, as defined in section 1-1g, as  
360 amended by this act, and the actor is not a person with [mental  
361 retardation] intellectual disability.

362 (b) No person shall be found guilty of assault in the second degree  
363 or assault in the second degree with a firearm and assault of an elderly,  
364 blind, disabled [,] or pregnant [or mentally retarded] person or a  
365 person with intellectual disability in the second degree with a firearm  
366 upon the same incident of assault but such person may be charged and  
367 prosecuted for all of such offenses upon the same information.

368 (c) In any prosecution for an offense under this section based on the  
369 victim being pregnant it shall be an affirmative defense that the actor,  
370 at the time such actor engaged in the conduct constituting the offense,  
371 did not know the victim was pregnant. In any prosecution for an  
372 offense under this section based on the victim being a person with  
373 [mental retardation] intellectual disability, it shall be an affirmative  
374 defense that the actor, at the time such actor engaged in the conduct  
375 constituting the offense, did not know the victim was a person with  
376 [mental retardation] intellectual disability.

377 (d) Assault of an elderly, blind, disabled [,] or pregnant [or mentally  
378 retarded] person or a person with intellectual disability in the second  
379 degree with a firearm is a class D felony and any person found guilty  
380 under this section shall be sentenced to a term of imprisonment of  
381 which three years of the sentence imposed may not be suspended or  
382 reduced by the court.

383 Sec. 14. Section 53a-61a of the general statutes is repealed and the  
384 following is substituted in lieu thereof (*Effective October 1, 2011*):

385 (a) A person is guilty of assault of an elderly, blind, disabled [,] or  
386 pregnant [or mentally retarded] person or a person with intellectual  
387 disability in the third degree when such person commits assault in the  
388 third degree under section 53a-61 and (1) the victim of such assault has  
389 attained at least sixty years of age, is blind or physically disabled, as  
390 defined in section 1-1f, or is pregnant, or (2) the victim of such assault  
391 is a person with [mental retardation] intellectual disability, as defined  
392 in section 1-1g, as amended by this act, and the actor is not a person  
393 with [mental retardation] intellectual disability.

394 (b) No person shall be found guilty of assault in the third degree  
395 and assault of an elderly, blind, disabled [,] or pregnant [or mentally  
396 retarded] person or a person with intellectual disability in the third  
397 degree upon the same incident of assault but such person may be  
398 charged and prosecuted for both such offenses upon the same  
399 information.

400 (c) In any prosecution for an offense under this section based on the  
401 victim being pregnant it shall be an affirmative defense that the actor,  
402 at the time such actor engaged in the conduct constituting the offense,  
403 did not know the victim was pregnant. In any prosecution for an  
404 offense under this section based on the victim being a person with  
405 [mental retardation] intellectual disability, it shall be an affirmative  
406 defense that the actor, at the time such actor engaged in the conduct  
407 constituting the offense, did not know the victim was a person with  
408 [mental retardation] intellectual disability.

409 (d) Assault of an elderly, blind, disabled [,] or pregnant [or mentally  
410 retarded] person or a person with intellectual disability in the third  
411 degree is a class A misdemeanor and any person found guilty under  
412 this section shall be sentenced to a term of imprisonment of one year  
413 which shall not be suspended or reduced.

414 Sec. 15. Section 53a-320 of the general statutes is repealed and the  
415 following is substituted in lieu thereof (*Effective October 1, 2011*):

416 For the purposes of sections 53a-320 to 53a-323, inclusive, as  
417 amended by this act:

418 (1) "Person" means any natural person, corporation, partnership,  
419 limited liability company, unincorporated business or other business  
420 entity;

421 (2) "Elderly person" means any person who is sixty years of age or  
422 older;

423 (3) "Blind person" means any person who is blind, as defined in  
424 section 1-1f;

425 (4) "Disabled person" means any person who is physically disabled,  
426 as defined in section 1-1f;

427 (5) ["Mentally retarded person"] "Person with intellectual disability"  
428 means any person with [mental retardation] intellectual disability, as  
429 defined in section 1-1g, as amended by this act;

430 (6) "Abuse" means any repeated act or omission that causes physical  
431 injury or serious physical injury to an elderly, blind [.] or disabled  
432 person or [mentally retarded] a person with intellectual disability,  
433 except when (A) the act or omission is a part of the treatment and care,  
434 and in furtherance of the health and safety, of the elderly, blind [.] or  
435 disabled person or [mentally retarded] person with intellectual  
436 disability, or (B) the act or omission is based upon the instructions,  
437 wishes, consent, refusal to consent or revocation of consent of an  
438 elderly, blind [.] or disabled person or [mentally retarded] a person  
439 with intellectual disability, or the legal representative of an incapable  
440 elderly, blind [.] or disabled person or [mentally retarded] a person  
441 with intellectual disability. For purposes of this subdivision, "repeated"  
442 means an act or omission that occurs on two or more occasions;

443 (7) "Intentionally" means "intentionally" as defined in subdivision  
444 (11) of section 53a-3;

445 (8) "Knowingly" means "knowingly" as defined in subdivision (12)  
446 of section 53a-3;

447 (9) "Recklessly" means "recklessly" as defined in subdivision (13) of  
448 section 53a-3;

449 (10) "Physical injury" means "physical injury" as defined in  
450 subdivision (3) of section 53a-3; and

451 (11) "Serious physical injury" means "serious physical injury" as  
452 defined in subdivision (4) of section 53a-3.

453 Sec. 16. Section 53a-321 of the general statutes is repealed and the  
454 following is substituted in lieu thereof (*Effective October 1, 2011*):

455 (a) A person is guilty of abuse in the first degree when such person  
456 intentionally commits abuse of an elderly, blind [.] or disabled person  
457 or [mentally retarded] a person with intellectual disability and causes  
458 serious physical injury to such elderly, blind [.] or disabled person or  
459 [mentally retarded] person with intellectual disability.

460 (b) Abuse in the first degree is a class C felony.

461 Sec. 17. Section 53a-322 of the general statutes is repealed and the  
462 following is substituted in lieu thereof (*Effective October 1, 2011*):

463 (a) A person is guilty of abuse in the second degree when such  
464 person: (1) Intentionally commits abuse of an elderly, blind [.] or  
465 disabled person or [mentally retarded] a person with intellectual  
466 disability and causes physical injury to such elderly, blind [.] or  
467 disabled person or [mentally retarded] person with intellectual  
468 disability, or (2) knowingly commits abuse of an elderly, blind [.] or  
469 disabled person or [mentally retarded] a person with intellectual  
470 disability and causes serious physical injury to such elderly, blind [.] or  
471 disabled person or [mentally retarded] person with intellectual  
472 disability.

473 (b) Abuse in the second degree is a class D felony.

474 Sec. 18. Section 53a-323 of the general statutes is repealed and the  
475 following is substituted in lieu thereof (*Effective October 1, 2011*):

476 (a) A person is guilty of abuse in the third degree when such person  
477 (1) knowingly commits abuse of an elderly, blind [.] or disabled person  
478 or [mentally retarded] a person with intellectual disability and causes  
479 physical injury to such elderly, blind [.] or disabled person or  
480 [mentally retarded] person with intellectual disability, or (2) recklessly  
481 commits abuse of an elderly, blind [.] or disabled person or [mentally  
482 retarded] a person with intellectual disability and causes physical  
483 injury to such elderly, blind [.] or disabled person or [mentally  
484 retarded] person or person with intellectual disability.

485 (b) Abuse in the third degree is a class A misdemeanor.

486 Sec. 19. Subsection (i) of section 54-56d of the general statutes is  
487 repealed and the following is substituted in lieu thereof (*Effective*  
488 *October 1, 2011*):

489 (i) The placement of the defendant for treatment for the purpose of

490 rendering the defendant competent shall comply with the following  
491 conditions: (1) The period of placement under the order or  
492 combination of orders shall not exceed the period of the maximum  
493 sentence which the defendant could receive on conviction of the  
494 charges against the defendant or eighteen months, whichever is less;  
495 (2) the placement shall be either in the custody of the Commissioner of  
496 Mental Health and Addiction Services, the Commissioner of Children  
497 and Families or the Commissioner of Developmental Services or, if the  
498 defendant or the appropriate commissioner agrees to provide  
499 payment, in the custody of any appropriate mental health facility or  
500 treatment program which agrees to provide treatment to the defendant  
501 and to adhere to the requirements of this section; and (3) the court  
502 shall order the placement, on either an inpatient or an outpatient basis,  
503 which the court finds is the least restrictive placement appropriate and  
504 available to restore competency. If outpatient treatment is the least  
505 restrictive placement for a defendant who has not yet been released  
506 from a correctional facility, the court shall consider whether the  
507 availability of such treatment is a sufficient basis on which to release  
508 the defendant on a promise to appear, conditions of release, cash bail  
509 or bond. If the court determines that the defendant may not be so  
510 released, the court shall order treatment of the defendant on an  
511 inpatient basis at a mental health facility or [mental retardation]  
512 facility for persons with intellectual disability. Not later than twenty-  
513 four hours after the court orders placement of the defendant for  
514 treatment for the purpose of rendering the defendant competent, the  
515 examiners shall transmit information obtained about the defendant  
516 during the course of an examination pursuant to subsection (d) of this  
517 section to the health care provider named in the court's order.

518 Sec. 20. (*Effective October 1, 2011*) (a) (1) Wherever the words "the  
519 mentally retarded" are used in the following general statutes, "persons  
520 with intellectual disability" or "individuals with intellectual disability"  
521 shall be substituted in lieu thereof; (2) wherever the words "mentally  
522 retarded", "mentally retarded person" or "mentally retarded persons"  
523 are used in the following general statutes, the words "intellectual

524 disability", "person with intellectual disability" or "persons with  
 525 intellectual disability" shall be substituted in lieu thereof; and  
 526 (3) wherever the words "mental retardation" are used in the following  
 527 general statutes, the words "intellectual disability" shall be substituted  
 528 in lieu thereof: 2c-2b, 4a-60, 4b-31, 8-2g, 8-3e, 9-159s, 10-91f, 17a-593,  
 529 17a-594, 17a-596, 45a-598, 45a-669, 45a-672, 45a-676, 45a-677, 45a-678,  
 530 45a-679, 45a-680, 45a-681, 45a-682, 45a-683, 46a-51, 46a-60, 46a-64, 46a-  
 531 64b, 46a-66, 46a-70, 46a-71, 46a-72, 46a-73, 46a-75, 46b-76, 46b-84, 52-  
 532 146o, 53a-46a, 53a-181i and 54-250.

533 (b) The Legislative Commissioners' Office shall, in codifying said  
 534 sections of the general statutes pursuant to subsection (a) of this  
 535 section, make such technical, grammatical and punctuation changes as  
 536 are necessary to carry out the purposes of this section."

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2011</i>	45a-670
Sec. 2	<i>October 1, 2011</i>	1-1g
Sec. 3	<i>October 1, 2011</i>	4b-28(b)
Sec. 4	<i>October 1, 2011</i>	8-119t
Sec. 5	<i>October 1, 2011</i>	12-81(7)(B)
Sec. 6	<i>October 1, 2011</i>	17a-580
Sec. 7	<i>October 1, 2011</i>	17b-226
Sec. 8	<i>October 1, 2011</i>	19a-638(a)(17)
Sec. 9	<i>October 1, 2011</i>	45a-674
Sec. 10	<i>October 1, 2011</i>	46a-11b(b)
Sec. 11	<i>October 1, 2011</i>	53a-59a
Sec. 12	<i>October 1, 2011</i>	53a-60b
Sec. 13	<i>October 1, 2011</i>	53a-60c
Sec. 14	<i>October 1, 2011</i>	53a-61a
Sec. 15	<i>October 1, 2011</i>	53a-320
Sec. 16	<i>October 1, 2011</i>	53a-321
Sec. 17	<i>October 1, 2011</i>	53a-322
Sec. 18	<i>October 1, 2011</i>	53a-323
Sec. 19	<i>October 1, 2011</i>	54-56d(i)
Sec. 20	<i>October 1, 2011</i>	New section