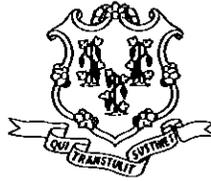


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HB 6646

An Act Making Minor, Technical and Conforming Changes to Certain Statutes
Concerning Criminal and Civil Law and Procedure.

Judiciary Committee
Public Hearing
April 8, 2011

Explanation of changes:

Section 1. Section 10-145b(j)(2)

Deletes reference to section 53a-49, added by public act 09-1 of the June 19 Special Session, which is the inchoate offense of criminal attempt. A person is not convicted of a violation of that section in isolation.

Sec. 2. Section 10-145i

Deletes reference to section 53a-49, added by public act 09-1 of the June 19 Special Session, which is the inchoate offense of criminal attempt. A person is not convicted of a violation of that section in isolation.

Sec. 3. Section 31-51rr(a)

Deletes reference to repealed section 46b-38aa and reference to "civil union", and conforms terminology of section to current state of the law. Public act 09-13 repealed the civil union statutes effective October 1, 2010, and merged any existing civil unions into marriages on said date by operation of law. This section currently requires political subdivisions to grant same sex civil union partners the same family and medical leave benefits that federal law grants to opposite sex partners in a marriage. The language is revised to reflect that persons who were parties to a civil union under prior law are now same sex parties to a marriage.

Sec. 4. Section 51-164n(b)

Deletes references to sections concerning civil unions that were repealed by public act 09-13, effective October 1, 2010.

Sec. 5. Section 52-212a

Changes "reopening" a judgment to "opening" a judgment for accuracy. "Reopening" implies that the judgment has been opened previously, which may not be the case. Several Appellate Court opinions have noted that the appropriate motion to file in these circumstances is a "motion to open". See e.g. National Iron Bank v. Gelormino, 28 Conn. App. 7, 8, fn. 1 (1992); State v. Wahab, 122 Conn. App. 537, 539, fn. 2 (2010).

Sec. 6. Section 53-39a

Clarifies language in public act 10-68 which had merged together the two distinct rights to indemnification of the expenses of a police officer incurred (1) as a *defendant* in a *criminal* prosecution, and (2) as a *plaintiff* in bringing a *civil* action to enforce the right of indemnification after the prosecution ended in the officer's favor. The language is revised to separate the two distinct proceedings and make clear that the officer would be entitled to indemnification in the civil ("enforcement") action only if the officer prevailed in that civil action.

Sec. 7. Section 53a-137

Clarifies section 4 of public act 10-180 concerning forgery definitions. The public act had included the same act of signing an instrument in an unauthorized capacity in all three definitions. Since the forgery offenses use these definitions in the alternative, i.e. "falsely makes, completes *or* alters", it was unnecessary to add the same language to each of the definitions. Also, including the element of "falsely and fraudulently" as part of the definition of the terms was unnecessary since the forgery offenses themselves require an "*intent to defraud, deceive or injure*".

Sec. 8. Section 54-102l

Revises language for accuracy and consistency with language appearing earlier in the section. A conviction or finding is not *dismissed*. Rather, a conviction or finding is *reversed* and the case is *dismissed*.

Sec. 9. Section 54-300(d)

Authorizes the members of the Sentencing Commission to designate individuals to act in their behalf.