



OLR RESEARCH REPORT

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JUDICIARY COMMITTEE PUBLIC ACTS

By: Christopher Reinhart, Chief Attorney

You asked for a brief summary of Judiciary Committee bills that became public acts in the 2011 legislative session.

Thirty-nine Judiciary Committee bills favorably reported by the committee became public acts in the 2011 legislative session. In addition, portions of six other Judiciary Committee bills became law as part of other acts.

These acts and provisions are briefly summarized below, arranged in ascending order by act number. Not all provisions of the acts are included here. Complete summaries of all 2011 Public Acts will be available on OLR's webpage: www.cga.ct.gov/olr/OLRPASums.asp and readers can obtain the full text of acts from the Connecticut State Library, the House Clerk's Office, or the General Assembly's website (www.cga.ct.gov/).

PA 11-9, AN ACT CONCERNING THE MEMBERSHIP OF THE DNA DATA BANK OVERSIGHT PANEL

This act adds the chief public defender, or a designee, to the DNA Data Bank Oversight Panel but prohibits him or her from participating in discussions about, or having access to, personally identifiable data bank information.

EFFECTIVE DATE: Upon passage

PA 11-14, AN ACT CONFIRMING AND ADOPTING VOLUMES 1 TO 13, INCLUSIVE, OF THE GENERAL STATUTES, REVISED TO 2011

This act formally adopts, ratifies, confirms, and enacts the General Statutes revised to January 1, 2011.

EFFECTIVE DATE: Upon passage

PA 11-15, AN ACT CONCERNING COMPETENCY TO STAND TRIAL

This act requires the person in charge of a mental health treatment facility providing inpatient treatment to a defendant who is incompetent to stand trial (usually Connecticut Valley Hospital), or a designee, to submit a clinical progress report to the court whenever he or she or the designee believes the defendant remains incompetent but has improved sufficiently that continued inpatient commitment is not the least restrictive placement appropriate and available to restore competency.

The court must schedule a hearing within 10 days of receiving the report. If the court agrees with the report's findings, the law permits it to continue or modify the placement order. The act requires it to consider whether the availability of a less restrictive placement is a sufficient basis on which to release the defendant on (1) a promise to appear, (2) conditions of release, or (3) cash bail or bond. The court may order the defendant to continue treatment on an outpatient basis.

EFFECTIVE DATE: October 1, 2011

PA 11-39, AN ACT CONCERNING DISCLOSURE OF INFORMATION TO A PARENT OR GUARDIAN OF A YOUTHFUL OFFENDER IN THE CUSTODY OF THE DEPARTMENT OF CORRECTION

This act authorizes the Department of Correction (DOC) to disclose otherwise confidential information about a youthful offender in its custody to his or her parents or guardian. By law, parents and guardians already have access to police and court records.

EFFECTIVE DATE: Upon passage

PA 11-47, AN ACT CONCERNING THE UNAUTHORIZED TAKING OR TRANSMISSION BY FIRST RESPONDERS OF IMAGES OF CRIME OR ACCIDENT VICTIMS

This act establishes criminal penalties for specified persons who, when responding to a request to provide someone with medical or other assistance, knowingly (1) take that person's photograph or digital image or (2) make such an image available to a third person. The penalties

apply to peace officers, firefighters, ambulance drivers, emergency medical responders, emergency medical technicians, and paramedics acting outside of their duties. The penalties do not apply if these actions are done with the consent of the assisted person or someone in that person's immediate family.

Under the act, the penalty is up to one year in prison, up to a \$2,000 fine, or both.

EFFECTIVE DATE: October 1, 2011

PA 11-55, AN ACT CONCERNING DISCRIMINATION

This act specifically prohibits discrimination on the basis of gender identity or expression in employment, public accommodations, the sale or rental of housing, the granting of credit, and other laws over which the Commission on Human Rights and Opportunities (CHRO) has jurisdiction. It explicitly authorizes people to file discrimination complaints with CHRO, which enforces antidiscrimination laws in these areas.

The act gives CHRO jurisdiction to investigate complaints of discrimination on the basis of gender identity or expression against students by public schools. It also allows CHRO to investigate this type of discrimination at private golf country clubs.

The act also prohibits discrimination on the basis of gender identity or expression in various other contexts, including urban homesteading, public schools, boards of education, public libraries, electric suppliers, telephone or telecommunication providers, the employment codes that tribes must adopt to receive state services or funds, and discriminatory boycotts.

The act specifies that its prohibition of discrimination on the basis of gender identity or expression does not apply to religious corporations, entities, associations, educational institutions, or societies regarding (1) employment of people to perform work for them or (2) matters of discipline; faith; internal organization; or ecclesiastical rules, customs, or laws that these entities have established.

The act makes it a class A misdemeanor (see Table of Penalties) to deprive someone of rights, privileges, or immunities secured or protected by state or federal laws or constitutions because of the person's gender identity or expression. The act makes it a class D felony for anyone to do so based on gender identity or expression while wearing a mask, hood, or other device designed to conceal his or her identity.

EFFECTIVE DATE: October 1, 2011

**PA 11-71, AN ACT CONCERNING THE PENALTY FOR CERTAIN
NONVIOLENT DRUG OFFENSES**

This act reduces the penalty for possessing less than one-half ounce of marijuana from a crime that carries a possible prison term to (1) a \$150 fine for a first offense and (2) a \$200 to \$500 fine for a subsequent offense. Under the act, violaters must follow the procedures the law prescribes for infractions. For example, they can pay the fine by mail without making a court appearance. But the act provides a lower burden of proof than is generally required for infractions or other violations that follow infraction procedures.

It requires a law enforcement officer who issues a complaint for such a violation to seize the marijuana and cause it to be destroyed as contraband according to law.

The act requires referral to a drug education program for anyone who for a third time enters a plea of nolo contendere to, or is found guilty after trial of, possessing less than one half-ounce of marijuana. The act specifies that the person must pay the expenses of his or her participation in the program.

The act also reduces, from a crime to an infraction, the penalty for specified actions involving drug paraphernalia when they relate to less than one-half ounce of marijuana. It provides the same lower burden of proof as provided for possession.

The act requires a 60-day suspension of the driver's license of anyone under age 21 who is convicted of a violation or infraction under the act.

The act provides that a violation or infraction under it is a delinquent act when committed by someone 16 years old or younger, or 17 years old starting July 1, 2012. Proceedings related to delinquent acts are generally brought in juvenile court.

EFFECTIVE DATE: July 1, 2011, except the provisions relating to delinquent acts by 17-year-olds are effective July 1, 2012.

**PA 11-73, AN ACT REGULATING THE SALE AND POSSESSION OF
SYNTHETIC MARIJUANA AND SALVIA DIVINORUM**

This act requires the Department of Consumer Protection (DCP) commissioner to adopt regulations designating as controlled substances five specified synthetic versions of marijuana, salvia divinorum (a

perennial herb in the mint family native to certain parts of Mexico), and salvinorum A. Unlawful possession of a controlled substance is a crime.

EFFECTIVE DATE: July 1, 2011

PA 11-77, AN ACT CONCERNING OFFERS OF COMPROMISE

This act changes the timing of filing an offer of compromise in a medical malpractice action and eliminates a plaintiff's obligation to provide a defendant with information on damages, medical records, and expert witnesses before filing the offer. An offer to compromise is a written pretrial offer by the plaintiff to settle a civil lawsuit for a specific amount of money.

Under the act, the plaintiff has no obligation to provide the defendant with this information, but cannot make an offer less than 365 days after filing the action. The offer is deemed rejected if not accepted (1) within 60 days (in other civil actions, the law gives the defendant 30 days) and (2) before the jury or the court issues an award. The defendant cannot accept an offer after these deadlines unless the plaintiff re-files it.

By law, if the defendant rejects the offer and the plaintiff receives a damage award that equals or exceeds it, the defendant must pay the plaintiff 8% interest on the award plus court-assigned legal fees.

EFFECTIVE DATE: October 1, 2011

PA 11-108, AN ACT CONCERNING AMENDMENTS TO ARTICLE 9 OF THE UNIFORM COMMERCIAL CODE CONCERNING SECURED TRANSACTIONS

This act makes changes in Article 9 of the Uniform Commercial Code (UCC). Article 9 generally deals with a creditor's contractual lien interest in a debtor's personal property that secures payment or other performance by the debtor. Article 9 sets out requirements for (1) the creditor's interest (a "security interest") to attach to the debtor's property and become enforceable and (2) perfecting a security interest which allows the secured party's interest to have priority over other parties, such as a creditor who gets a judicial lien, bankruptcy trustee, and others who later take a security interest in the collateral.

The act:

1. changes definitions and adds a definition of "public organic record," which it uses in relation to organizations;
2. expands the types of systems that a secured party can use to have control of electronic chattel paper and, thus, perfect a security interest in it;

3. for a debtor that moves to another jurisdiction, clarifies and makes more uniform the rules that (a) perfect a security interest in property acquired after the move, if the financing statement would have perfected such an interest had the debtor not moved and (b) requires the secured party to continue perfection by filing in the new jurisdiction within four months;
4. for a new debtor in another jurisdiction who becomes bound by an original debtor's security agreement (such as through a merger), (a) reduces, from one year to four months, the time that a security interest perfected against the original debtor remains perfected against the new debtor without filing in the new jurisdiction and (b) continues perfection of a security interest for four months in collateral owned by the new debtor before becoming bound as the new debtor and after-acquired collateral if the financing statement would have done so for collateral acquired by the original debtor;
5. changes how a debtor's name is recorded on a financing statement, including specifying what is recorded for an individual's name;
6. changes the name of a "correction statement" that a debtor can file claiming that a financing statement against him or her was unauthorized to an "information statement" and also allows secured parties to file these statements when they believe a record was filed by someone not entitled to do so; and
7. sets transition rules to allow secured parties to continue the enforceability of their security interests when the act's changes take effect.

The act generally applies to transactions and liens that fall within its scope, even if created or entered into before July 1, 2013. The act does not affect an action, case, or proceeding that began before July 1, 2013.

EFFECTIVE DATE: July 1, 2013

PA 11-112, AN ACT CONCERNING THE RIGHTS OF A PARENT OR GUARDIAN IN AN INVESTIGATION BY THE DEPARTMENT OF CHILDREN AND FAMILIES

This act requires the Department of Children and Families (DCF), when making an initial, in-person investigation of a complaint of child abuse or neglect, to give the child's parent or guardian written notice of his or her rights, as well as the consequences of his or her failure to communicate with the department.

The DCF representative must (1) ask the parent or guardian to sign and date the notice as evidence of having received it and (2) immediately provide a copy of the signed notice to the parent or guardian. If the parent or guardian refuses to sign, the representative must (1) indicate

on the notice that he or she was asked to sign and date it, but refused to do so and (2) sign it as witness to that fact.

EFFECTIVE DATE: October 1, 2011

PA 11-113, AN ACT CONCERNING THE SEXUAL ASSAULT OF PERSONS PLACED OR RECEIVING SERVICES UNDER THE DIRECTION OF THE COMMISSIONER OF DEVELOPMENTAL SERVICES

This act makes it 2nd degree sexual assault to have sexual intercourse, and 4th degree sexual assault to have intentional sexual contact, with someone who is placed in a facility or receiving services under the Department of Developmental Services (DDS) commissioner's direction and over whom the perpetrator has disciplinary or supervisory authority. DDS provides services to people with developmental and intellectual disabilities.

By law, it is already 2nd degree sexual assault to have sexual intercourse, and 4th degree sexual assault to have intentional sexual contact, with someone (1) whose mental condition makes them unable to consent or (2) who is in custody or detained in a hospital or other institution and over whom the perpetrator has supervisory or disciplinary authority.

Second-degree sexual assault is a class C felony (see Table on Penalties) unless the victim is under age 16, in which case it is a class B felony. In either case, the law requires a mandatory minimum of nine months' imprisonment.

Fourth-degree sexual assault is a class A misdemeanor unless the victim is under age 16, in which case it is a class D felony.

EFFECTIVE DATE: October 1, 2011

PA 11-128, AN ACT CONCERNING PROBATE COURT OPERATIONS

This act makes several changes to probate law. Specifically, it:

1. eliminates the requirement that the probate court administrator, within available resources, establish a regional children's probate court in the New Haven area and allows him to create seven, rather than six, such courts in regions he designates;
2. makes changes to confidentiality requirements for several children's probate matters;
3. extends worker's compensation coverage to elected probate court judges;

4. sets a daily \$20 fee for copying probate records with a hand-held scanner, as that term is defined in the Freedom of Information Act;
5. specifies that in determining the order of priority of claims against a decedent's estate, funeral expenses have first priority and expenses of settling the estate second priority (prior law gave them equal priority);
6. allows the probate court administrator to establish a fee schedule for anyone seeking access or information from an online probate court data processing system;
7. makes changes and clarifications regarding how much time parties have to appeal probate matters;
8. makes changes regarding estate settlement costs for people who die while domiciled in another state; and
9. allows probate courts to appoint a temporary administrator of a decedent's estate regarding the disclosure of financial or medical information for specified purposes.

EFFECTIVE DATE: July 1, 2011 for the provisions on children's probate courts, worker's compensation, and the priority of claims; October 1, 2011 for those on hand-held scanner and data processing fees, record confidentiality, appeal periods, and temporary administrators; and upon passage for the provisions concerning estate settlement costs for out-of-state domiciliaries.

PA 11-129, AN ACT CONCERNING APPLICATIONS FOR GUARDIANSHIP OF AN ADULT WITH INTELLECTUAL DISABILITY AND CERTAIN STATUTORY CHANGES RELATED TO INTELLECTUAL DISABILITY

This act substitutes the term "intellectual disability" for "mental retardation," and makes similar related substitutions in numerous sections of the general statutes. The act also specifies that for purposes of numerous sections of the statutes, "intellectual disability" and "mental retardation" mean a significantly subaverage general intellectual functioning existing concurrently with deficits in adaptive behavior and manifested during the developmental period. This definition is already used for mental retardation in many sections of the law.

The act also makes a change regarding applications for guardianship. It allows a minor's parent or guardian who anticipates that the minor will need a guardian after turning age 18 to file an application for guardianship up to 180 days before the minor's 18th birthday. Under the act, a probate court may grant such an application according to existing law for guardianship applications, but the probate court's order can take effect no earlier than the minor's 18th birthday.

EFFECTIVE DATE: October 1, 2011

PA 11-134, AN ACT ESTABLISHING A PROCEDURE FOR RELIEF FROM CERTAIN FEDERAL FIREARMS PROHIBITIONS

Federal law prohibits anyone who has been “adjudicated as a mental defective” or “committed to a mental institution” from shipping, transporting, receiving, or possessing firearms or ammunition, unless the person’s firearm privileges are restored under a federally approved program. This act establishes a court procedure for restoring such privileges lost because of a state adjudication or commitment. The procedure is similar to the federal procedure for restoring firearm privileges lost as a result of federal adjudications or commitments.

Under the act, anyone seeking to regain firearm privileges must petition the probate court for relief, and the court must hear any such petition filed in accordance with the act. The court must grant relief if it finds by clear and convincing evidence that (1) the petitioner will not likely act in a manner dangerous to public safety and (2) granting relief is not contrary to the public interest. The act allows petitioners and the Department of Public Safety (DPS) commissioner to appeal the probate court’s decision to the Superior Court.

EFFECTIVE DATE: July 1, 2011

PA 11-144, AN ACT CONCERNING THE COLLECTION OF BLOOD AND OTHER BIOLOGICAL SAMPLES FOR DNA ANALYSIS

Sex offenders and felons must submit DNA samples of sufficient quality to determine their identity. This act authorizes the various agencies under whose authority sex offenders and felons are confined or supervised to take repeat samples until one of sufficient quality is obtained. It also:

1. authorizes DOC to use reasonable force to obtain the sample from felons and sex offenders in its custody;
2. makes it a class D felony (see Table on Penalties) to willfully fail to appear at the scheduled time and place to submit a sample, instead of failing to submit a sample;
3. requires the first report the Department of Mental Health and Addiction Services (DMHAS) or DDS files with the court that addresses whether an acquittee should be discharged from custody to indicate whether the individual has submitted or refused to submit a DNA sample;
4. allows DNA data bank information to be supplied to law enforcement officers to rule out criminal suspects;

5. subjects people to arrest for willfully refusing to submit a sample to the Court Support Services Division; and
6. moves up the date for taking a sample from a DMHAS or DDS detainee to the date of the first court hearing after commitment.

EFFECTIVE DATE: October 1, 2011

PA 11-146, AN ACT CONCERNING BUSINESS ENTITY FILINGS

This act makes a number of changes regarding business entity filings with the secretary of the state.

For domestic and out-of-state stock and non-stock corporations, limited partnerships, limited liability companies (LLCs), and limited liability partnerships (LLPs), the act:

1. requires that annual reports be filed with the secretary electronically but allows the secretary, on request, to exempt an entity from electronic filing if it is not capable of electronic filing, it cannot pay in an authorized manner by electronic means, or good cause is shown;
2. requires their annual reports to include the entity's email address if there is one;
3. requires the secretary to deliver or e-mail a notice to each entity that its annual report is due, rather than mail a form for the annual report; and
4. allows the secretary to require or permit any document required by law or regulation governing the particular entity to be filed by electronic transmission or new technology, as it develops (prior law allowed corporations to deliver documents by electronic transmission to the extent permitted by the secretary).

For limited partnerships, LLPs, and statutory trusts, the act allows the secretary, in her discretion and for good cause, to permit use of a photostatic or photographic copy, instead of the original, of any document required or permitted to be filed or recorded under the laws governing the entity. The act gives the copy the same force and effect as the original. The law already applies these provisions to corporations and LLCs.

The act also adds and changes definitions related to documents for several entities and makes changes for certain documents from LLCs and statutory trusts.

By law, certain LLPs must have a statutory agent for service of process. The act adds provisions on replacing an agent, notifying the secretary of address changes, and agent resignations.

EFFECTIVE DATE: January 1, 2012

PA 11-147, AN ACT CONCERNING THE CONNECTICUT BUSINESS CORPORATION ACT

This act makes a number of changes to the statutes governing business corporations, including:

1. allowing a corporation to set differing record dates for providing notice of a meeting to shareholders and for determining which shareholders are entitled to vote at the meeting;
2. allowing the board of directors to authorize, and set guidelines and procedures for, a class or series of shareholders to participate remotely in meetings; and
3. expanding the use of electronic documents and technologies and establishing additional rules for their use.

EFFECTIVE DATE: October 1, 2011

PA 11-148, AN ACT ESTABLISHING ADVISORY COMMITTEES TO THE DEPARTMENT OF CORRECTION IN CERTAIN MUNICIPALITIES

This act requires DOC to establish advisory committees in towns with a correctional facility that do not have a public safety committee as required by law. Under the act, an advisory committee consists of the facility warden and the following five members appointed jointly by the legislators who represent the town: a business community representative, a social services agency representative, a local law enforcement agency representative, and two members of the community.

The act requires the advisory committee to meet as necessary but at least quarterly to discuss inmate population demographics, DOC policies and practices, facility programming, and reentry initiatives. It requires each committee to report to the Judiciary Committee by January 1, 2012.

EFFECTIVE DATE: July 1, 2011

PA 11-149, AN ACT CONCERNING OFFERS OF COMPROMISE IN CONSTRUCTION CONTRACT ARBITRATION PROCEEDINGS, MEDIATION AND ARBITRATION OF CONSTRUCTION CONTRACTS, AND ETHICAL VIOLATIONS CONCERNING BIDDING AND STATE CONTRACTS

This act creates a procedure for parties in an arbitration proceeding related to certain construction contracts to send the opposing party an offer of compromise, offering to settle the underlying claim for a specified amount. It requires a court to add 8% annual interest to an arbitration award, and award reasonable attorney's fees and costs, if the prevailing party's arbitration award is equal to or greater than its offer of compromise which the opposing party did not accept. These procedures are similar to those in existing law for offers of compromise in civil actions.

The act also specifies that the existing prohibition on provisions in commercial construction contracts that require disputes to be adjudicated in another state or according to the laws of another state includes provisions concerning mediation or arbitration, as well as other types of adjudication.

Finally, the act accords contractors, potential contractors, and consultants due process before they are prohibited from bidding on state contracts because of alleged past unethical bidding practices.

EFFECTIVE DATE: October 1, 2011

PA 11-151, AN ACT CONCERNING MEDICAL FOUNDATIONS

The law authorizes any hospital or health system to organize and join a medical foundation to practice medicine and provide health care services as a medical foundation through its employees or agents who are licensed physicians and through other specified providers. A medical foundation is a nonprofit entity that may operate at whatever locations its members select.

This act adds certain medical schools to the list of entities that may organize and join a medical foundation for this purpose. To be eligible, a medical school must be (1) a school of allopathic (or conventional) medicine leading to the M.D. degree, (2) accredited by the Liaison Committee on Medical Education, and (3) affiliated through governance with or part of a university that is incorporated in Connecticut or established under state law and accredited by the New England

Association of Schools and Colleges Commission on Institutions of Higher Education.

The act applies the same provisions in existing law regarding medical foundation governance, organization, powers, limitations, filing requirements, merger and consolidation, and other matters to medical foundations organized by medical schools (CGS §§ 33-182aa to -182ff).

EFFECTIVE DATE: October 1, 2011

PA 11-152, AN ACT CONCERNING DOMESTIC VIOLENCE

This act makes many changes to the laws on family violence. Among other things, it:

1. protects victims of orders of protection from criminal liability under certain circumstances;
2. requires law enforcement officers to arrest a person who commits a family violence crime against someone he or she is dating;
3. doubles the fee for the pretrial family violence education program;
4. requires family violence offenders who use or attempt or threaten to use physical force to commit the crime to surrender any firearms they possess to the public safety commissioner; and
5. requires the chief court administrator to study and assess family violence training programs.

The act establishes a 16-member task force to (1) evaluate law enforcement agencies' policies and procedures for responding to incidents of family violence and restraining and protective order violations and (2) develop a model statewide policy for such responses.

The act modifies the exceptions to the so-called "spousal privilege," which allows a spouse to elect or refuse to testify against his or her spouse in a criminal proceeding.

EFFECTIVE DATE: October 1, 2011, except that the provisions on the task force and chief court administrator's assessments and studies are effective upon passage.

PA 11-153, AN ACT CONCERNING THE CREATION OF A REPLACEMENT BIRTH CERTIFICATE PURSUANT TO A GESTATIONAL AGREEMENT

This act eliminates the requirement that the birth mother's name appear on a replacement birth certificate that the Department of Public Health (DPH) creates when a birth arises out of a gestational agreement. It instead requires DPH to name the intended parent or parents as the

child's parent or parents on the replacement certificate. By law, for births arising out of gestational agreements, DPH must seal the original birth certificate and registrars of vital statistics must provide a replacement copy to an eligible party who requests it.

The act changes the required timing of the creation of replacement birth certificates for births subject to gestational agreements.

The act defines "gestational agreement" and "intended parent" for purposes of the act and other specified vital statistics and vital records statutes.

EFFECTIVE DATE: October 1, 2011

PA 11-154, AN ACT CONCERNING DETENTION OF CHILDREN AND DISPROPORTIONATE MINORITY CONTACT IN THE JUVENILE JUSTICE SYSTEM

This act prohibits police officers from placing children they arrest, but who have not yet appeared before a judge, in a juvenile detention center without a court order. It also:

1. allows detention center intake supervisors to admit only a child who is (a) the subject of a detention order, (b) ordered by a court to be held in detention, or (c) transferred to the center to await a court appearance;
2. eliminates a provision specifying the classifications of offender and pretrial detainees that can be admitted to an overcrowded juvenile detention center; and
3. requires judicial and executive officials to report to the legislature and governor every two years on progress made in addressing disproportionate minority contact (DMC).

Under the act, DMC means that a disproportionate number of juvenile members of minority groups come into contact with the juvenile justice system.

EFFECTIVE DATE: October 1, 2011, except the DMC reporting requirement is effective upon passage.

PA 11-155, AN ACT CONCERNING THE COURT SUPPORT SERVICES DIVISION OF THE JUDICIAL BRANCH

This act modifies the duties of probation officers by:

1. expressly requiring them to supervise and enforce all court-ordered probation conditions;

2. extending their supervisory authority to offenders arraigned without a warrant for probation or conditions of release violations;
3. consistent with current practice, relieving them of responsibilities for collecting and disbursing money;
4. limiting their involvement with arrested juveniles; and
5. allowing them to transport probationers with outstanding warrants or who violate their probation conditions to the nearest location where a police officer can make an arrest.

EFFECTIVE DATE: July 1, 2011

PA 11-156, AN ACT CONCERNING CHILDREN CONVICTED AS DELINQUENT WHO ARE COMMITTED TO THE CUSTODY OF THE COMMISSIONER OF CHILDREN AND FAMILIES

Under existing DCF facility rules, juvenile delinquents cannot be granted leave or release unless they have satisfactorily completed a 60-day fitness and security risk evaluation.

The act allows the DCF commissioner to waive this requirement when a delinquent who transfers from one facility to another satisfactorily completed the evaluation before the transfer.

The act also eliminates a requirement that DCF prepare a plan to keep delinquents sent to the Connecticut Juvenile Training School (CJTS) housed in that facility for at least one year, and to take a comprehensive approach to juvenile rehabilitation (this is identical to a provision in PA 11-157).

EFFECTIVE DATE: October 1, 2011

PA 11-157, AN ACT CONCERNING JUVENILE JUSTICE

This act makes a number of modifications to statutes governing DCF, many of which are designed to end DCF's responsibility for children when they reach age 20.

It also:

1. gives uniform definitions to "child," "youth," and "delinquent child" in DCF statutes, thus expanding the laws regarding children to cover 16- and 17-year-olds;
2. removes crimes related to failure to appear and violations of the conditions of release from the definition of "delinquent child," "delinquent act," and related provisions;
3. excludes delinquent acts from the definition of "family violence crimes" and related provisions;

4. adds as serious juvenile offenses (SJOs) 1st and 2nd degree strangulation and home invasion, and, after July 1, 2012, criminally negligent cruelty to a person, intentional child cruelty, and manslaughter with a motor vehicle, thereby increasing penalties for these offenses;
5. removes 2nd degree manslaughter with a firearm, 2nd degree hindering prosecution, 2nd degree manslaughter with a motor vehicle, and misconduct with a motor vehicle from the enumerated SJOs, thus either requiring them to be prosecuted on an adult docket or, in the case of hindering prosecution, as a less serious delinquent act;
6. beginning July 1, 2012, permits 17-year-olds alleged to have committed an offense which is pending on the youthful offender, regular criminal, or any motor vehicle docket on or after that date to have their cases transferred to juvenile court, when that is in their and the public's best interest;
7. modifies the standards governing the admissibility of confessions made by 16- and 17-year-olds;
8. eliminates prior law's requirement that DCF plan to keep juveniles sent to CJTS for at least one year (this is identical to a provision in PA 11-156);
9. requires police to notify the superintendent of the school district where an arrested student is attending, as an alternative to the district where he or she lives;
10. requires schools to maintain confidentiality about matters that involve students age 16 and 17, as well as younger students;
11. mandates that records of cases in which a child has been convicted as delinquent for evading responsibility with a motor vehicle involving death or serious injury be reported to the Department of Motor Vehicles (DMV) for use in determining whether administrative sanctions against the child's driver's license are warranted;
12. allows courts to specifically authorize, by subsequent court order, that confidential records the court has released to a (a) person with a legitimate interest in the information or (b) crime victim may be released further to other people;
13. streamlines the process for CJTS and community detention facilities to get educational records; and
14. requires police departments to handle reports of missing 15- to 17-year-olds in the same manner as they handle reports involving missing children and vulnerable adults.

EFFECTIVE DATE: October 1, 2011, except the provisions involving 17-year-olds in delinquency proceedings are effective July 1, 2012.

PA 11-158, ELIGIBILITY FOR ACCELERATED REHABILITATION

This act (1) removes the bar on participation in the pretrial accelerated rehabilitation (AR) program for someone adjudged a youthful offender in the past five years and (2) eliminates the court's access to the youthful offender records of someone adjudged a youthful offender more than five years ago. Prior law allowed the court to consider these records in determining whether to grant participation in AR.

By law and under the act, a person must meet the other AR eligibility requirements. Someone is eligible for AR if he or she is charged with certain nonserious crimes or motor vehicle violations, has no prior convictions of a crime or certain motor vehicle violations, and has not used AR before. The court may allow an eligible defendant to participate if it believes the defendant will probably not offend in the future.

EFFECTIVE DATE: October 1, 2011

PA 11-159, AN ACT CONCERNING THE RECOMMENDATIONS OF THE NATIONAL PRISON RAPE ELIMINATION COMMISSION

Within available appropriations, this act requires state and municipal agencies that incarcerate or detain adult offenders, including immigration detainees, to adopt and comply with the applicable standards recommended by the National Prison Rape Elimination Commission for preventing, detecting, monitoring, and responding to sexual abuse. The agencies covered are prisons, jails, community correction facilities, and lockups.

EFFECTIVE DATE: October 1, 2012

PA 11-174, AN ACT CONCERNING THE ELECTRONIC RECORDING OF CUSTODIAL INTERROGATIONS

Under this act, a statement made by a person investigated for or accused of a capital felony or class A or B felony during a custodial interrogation at a place of detention is presumed inadmissible as evidence against him or her in a criminal proceeding unless:

1. there is an audiovisual recording of the custodial interrogation made by an electronic or digital audiovisual device and
2. the recording is substantially accurate and not intentionally altered.

The act's presumption can be overcome under certain circumstances. It also allows such a statement to be admitted for impeachment purposes

only (to question the credibility of a person's testimony). The act includes a number of exceptions to the recording requirement.

By January 1, 2012, the act requires the chief state's attorney, with the Police Officer Standards and Training Council and a Connecticut Police Chiefs Association representative, to set standards for recording equipment, including transcriptions, and for training law enforcement officials in using the equipment.

EFFECTIVE DATE: January 1, 2014, except the provision on setting standards is effective upon passage.

PA 11-200, AN ACT CONCERNING THE STATUTE OF REPOSE FOR ASBESTOS-RELATED PRODUCT LIABILITY CLAIMS

This act increases, from 60 to 80 years after a person's last contact with or exposure to asbestos, the period during which the person can bring a lawsuit for personal injury or death caused by such contact or exposure. The period for lawsuits relating to asbestos-related property damage remains at 30 years after the last contact or exposure.

By law, anyone bringing an asbestos-related product liability lawsuit (whether for personal injuries or property damage) must file it within three years of the date the injury or damage was first sustained or discovered, or should have been discovered in exercising reasonable care.

EFFECTIVE DATE: Upon passage, and applicable to any cause of action arising from contact with or exposure to asbestos occurring before, on, or after passage.

PA 11-205, AN ACT CONCERNING THE RESOLUTION OF LIENS IN WORKERS' COMPENSATION CASES

This act reduces an employer's claim for reimbursement of workers' compensation benefits paid to an employee when the employee sues someone who is liable for the injury and the employer does not join the suit. But the reduction does not apply if reimbursement is to the (1) state or a political subdivision, including a local public agency, as the employer or (2) Second Injury Fund administrator.

By law, the employee or employer or Second Injury Fund administrator paying benefits can bring such a lawsuit. The individual bringing the suit must immediately notify the others in writing and the others can join the suit. Under prior law, if the others did not join the suit within 30 days, their right of action against the party in question abates. The act provides that the right of action does not abate if the employer, insurer, or administrator fails to join the lawsuit but gives

written notice of a lien. By law, an employer, its insurance carrier, or the Second Injury Fund paying benefits to an injured employee has a lien on any judgment or settlement the employee receives if they provide notice of the lien before judgment or settlement.

EFFECTIVE DATE: July 1, 2011

PA 11-206, AN ACT CONCERNING THE FORM OF CONVEYANCE OF LAND

This act allows execution of a deed in a real estate conveyance if the signer's acknowledgment is made in conformance with the Uniform Acknowledgment Act (Chapter 6 of the Connecticut General Statutes) or the Uniform Recognition of Acknowledgments Act (Chapter 8). It provides these alternatives to the requirement in existing law that the signer acknowledge that the execution of the deed is his or her "free act and deed."

EFFECTIVE DATE: October 1, 2011

PA 11-207, AN ACT REQUIRING DNA TESTING OF PERSONS ARRESTED FOR THE COMMISSION OF A SERIOUS FELONY.

This act requires law enforcement agencies to require anyone they arrest for anyone of 39 serious felonies to provide a DNA sample before he or she is released from custody if the arrestee (1) is a convicted felon and (2) has not previously provided a DNA sample. The law enforcement agency that makes the arrest sets the time and place for collecting and collects the sample. It must do this within available funding.

The act expands the circumstances under which the Department of Public Safety's (DPS) Division of Scientific Services must expunge a DNA profile from the DNA data bank and the State Police forensic laboratory must purge all records of it. It eliminates the requirement for offenders to request the expungement or purging.

EFFECTIVE DATE: October 1, 2011

PA 11-210, AN ACT CONCERNING EMERGENCY MEDICAL ASSISTANCE FOR PERSONS EXPERIENCING AN OVERDOSE AND THE DESIGNATION OF CERTAIN SYNTHETIC STIMULANTS AS CONTROLLED SUBSTANCES

This act prohibits prosecuting a person for possessing drugs or drug paraphernalia based solely on discovery of evidence arising from efforts to seek medical assistance for a drug overdose. It applies to incidents involving someone who is reasonably believed to be suffering a drug overdose by ingesting, inhaling, or injecting an intoxicating liquor or any

drug or substance. The act does not bar prosecution for possession with intent to sell or dispense.

The act requires the DCP commissioner to designate mephedrone and MDPV, or any other name by which they are known, as controlled substances in schedule I of the Controlled Substances Act's scheduling regulations.

EFFECTIVE DATE: October 1, 2011, except for the provision making the two drugs schedule I controlled substances is effective on July 1, 2011.

PA 11-211, AN ACT CONCERNING LIABILITY FOR THE RECREATIONAL USE OF LANDS

This act limits the liability of municipalities, other political subdivisions of the state, municipal corporations, special districts, and water or sewer districts that make certain types of land available to the public without charge for recreational purposes. Under the act, these entities, unlike other landowners, remain liable regarding certain structures, fields, or roads on such entities' land. Specifically, the act's liability limitation does not apply to:

1. swimming pools, playing fields or courts, playgrounds, buildings with electrical service, or machinery attached to the land, if these are in the municipality's or other entity's possession and control; and
2. paved, public, through roads that are open to the public for the operation of four-wheeled private passenger cars.

Existing law, unchanged by the act, limits the liability of political subdivisions of the state in other circumstances.

For all landowners (not just municipalities and the other entities listed above), the act adds bicycling to the non-exclusive list of recreational purposes for which the landowner may make the land available to the public and enjoy limited liability.

EFFECTIVE DATE: October 1, 2011

PA 11-214, AN ACT CONCERNING MINOR AND TECHNICAL CHANGES TO THE CHILD SUPPORT STATUTES.

This act:

1. permits the Department of Social Services (DSS) to file annual child support enforcement program reports electronically;

2. broadens the scope of Title IV-E foster care support cases by including all cases, not just those referred to DSS' Bureau of Child Support Enforcement;
3. extends Uniform Interstate Family Support Act rules and procedures to enforcing and collecting wage withholding orders;
4. explicitly recognizes support orders from another state's administrative agency of competent jurisdiction;
5. specifies that in cases involving out-of-state obligors and in-state property, court confirmation of a registered order precludes any contest that could have been raised at the time of registration;
6. requires motions to modify Medicaid obligations to be filed with the Family Support Magistrate Division of the Superior Court;
7. specifies that parents must help the DCF recoup foster care costs and adopts a formula that went into effect on October 1, 2008 for such collections;
8. authorizes alternative methods of serving legal process to initiate wage withholding when standard methods fail; and
9. makes several changes affecting the Commission for Child Support Guidelines.

EFFECTIVE DATE: October 1, 2011

PA 11-219, AN ACT CONCERNING CHILD SUPPORT ENFORCEMENT AND EXPEDITED ESTABLISHMENT OF PATERNITY AND SUPPORT IN TITLE IV-D CASES.

This act makes numerous changes to statutes governing the DSS and the Support Enforcement Services Division (SES) of the Judicial Branch. Most are related to child support and support enforcement. It:

1. requires the DSS commissioner to investigate the financial circumstances of parents applying for or receiving Medicaid on behalf of their children, rather than only Temporary Family Assistance (cash welfare) and foster care applicants and recipients;
2. limits DSS' duty to investigate the finances of parents of children in foster care to those for whom a request was made;
3. eliminates the DSS' commissioner's duty to investigate the financial arrangements of those seeking or receiving emergency housing assistance;
4. requires the state to notify obligors (those owing child support) and obligees (those to whom child support is owed) when it redirects child support payments;
5. allows DSS to share information with other state agencies for specific purposes;

6. permits income withholding orders to be served on employers electronically if they agree to accept that form of service;
7. modifies the process for obligors to challenge wage withholding orders and eliminates a requirement that they give their employers a copy of the claim form they file to initiate the challenge;
8. eliminates a requirement that court clerks follow in-state procedures when scheduling hearings for out-of-state wage withholding challenges;
9. substitutes references to SES for references to the Bureau of Child Support Enforcement in the context of wage withholding challenges;
10. adds a definition of "issue" for purposes of some wage withholding statutes;
11. modifies Family Support Magistrate powers;
12. gives judicial marshals limited authority to serve a *capias mittimus* (an order to arrest and bring a person before the court) on certain child support obligors and witnesses in child support cases;
13. allows SES officers to take acknowledgments of parties' agreements incident to child support obligations;
14. fixes unwed mothers' obligations to pay past due child support at three years before the support petition or agreement was filed, the same rate applicable to unwed fathers; and
15. eliminates a \$ 50 fee for an amended birth certificate when paternity is established by court order or paternity acknowledgment.

EFFECTIVE DATE: October 1, 2011

PA 11-252, AN ACT CONCERNING EYEWITNESS IDENTIFICATION

By January 1, 2012, this act requires DPS and municipal police departments to adopt procedures for photo and live lineups that meet certain requirements. These requirements cover who can be included in a lineup, how it is conducted, what information can be shared with an eyewitness, and creating a written record at the end of the lineup procedure.

The act also creates a 19-member Eyewitness Identification Task Force to study eyewitness identification in criminal investigations and the use of sequential live and photo lineups. It must examine:

1. the science of sequential methods of conducting lineups,
2. the use of sequential lineups in other states,
3. the practical implications of state law requiring sequential lineups, and

4. other related topics deemed appropriate.

The task force must report its findings and recommendations to the Judiciary Committee by April 1, 2012.

EFFECTIVE DATE: Upon passage for the task force and October 1, 2011 for the lineup requirements.

PROVISIONS IN OTHER ACTS

Portions of six other Judiciary Committee bills became law as part of other acts. Table 1 lists these bills, the public acts that included similar provisions, and a brief description of their content.

Table 1: Judiciary Committee Bill Provisions Enacted in Other Public Acts

<i>Originated As Bill #</i>	<i>Enacted as Public Act #</i>	<i>Brief Description</i>
1212	11-201 §§ 7-8	Codifies into state law the federal Protecting Tenants at Foreclosure Act with a sunset date of December 31, 2017, thus extending its protections beyond the federal act's 2014 expiration
6313	11-51 § 21	Expands the responsibilities of probation officers including requiring them to provide intensive pretrial supervision services when the court orders them to do so
6366	11-213 §§ 51-53	Increases fines for using a cell phone while driving
6391	11-51 §§ 22-25	Allows the DOC commissioner to award risk reduction earned credits up to five days per month for inmates, retroactive to April 1, 2006, to (1) reduce an inmate's maximum prison sentence and (2) make inmates eligible sooner for release from prison under supervision (it applies to inmates sentenced to prison for a crime committed on or after October 1, 1994 and committed to DOC custody on or after that date but inmates convicted of certain crimes are ineligible)
	11-51 §§ 26-27	Allows the DOC commissioner to release a sentenced inmate to home confinement if he or she was sentenced for: (1) driving under the influence; (2) operating a motor vehicle with a refused, suspended, or revoked license or registration; (3) possessing a controlled substance other than a narcotic, a hallucinogen, or less than four ounces of marijuana; or (4) drug paraphernalia crimes
6620	11-195 § 3	Prohibits indemnification clauses in common interest community association management contracts
6641	11-223	Prohibits certain employers from requiring employees or applicants to agree to a credit check as a condition of employment

BACKGROUND

Table on Penalties

The law authorizes courts to impose fines, imprisonment, or both when sentencing a convicted criminal. They must specify the period of incarceration for anyone so sentenced. The prison terms below represent the range within which a judge must set the sentence. The judge also sets the exact amount of a fine, up to the limits listed below. Some crimes have a mandatory minimum sentence or a minimum sentence higher than the minimum term specified in the table. Repeated or persistent offenses may result in a higher sentence range than specified here.

<i>Classification of Crime</i>	<i>Imprisonment</i>	<i>Fine</i>
Capital felony	execution or life	—
Class A felony (murder)	25 to 60 years	up to \$20,000
Class A felony	10 to 25 years	up to 20,000
Class B felony	1 to 20 years	up to 15,000
Class C felony	1 to 10 years	up to 10,000
Class D felony	1 to 5 years	up to 5,000
Class A misdemeanor	up to 1 year	up to 2,000
Class B misdemeanor	up to 6 months	up to 1,000
Class C misdemeanor	up to 3 months	up to 500