



House of Representatives

File No. 642

General Assembly

February Session, 2012 **(Reprint of File No. 443)**

Substitute House Bill No. 5365
As Amended by House Amendment
Schedule "A"

Approved by the Legislative Commissioner
May 5, 2012

AN ACT CONCERNING COURT OPERATIONS AND VICTIM SERVICES.

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

1 Section 1. Section 2-40a of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective July 1, 2012*):

3 Notwithstanding the provisions of subsection (b) of section 1-210
4 and chapter 55, (1) any performance evaluation of any judge or judge
5 trial referee made by the Judicial Department shall be made available
6 to the members of the joint standing committee on judiciary prior to
7 any public hearing on the nomination of any such judge or judge trial
8 referee, and (2) any performance evaluation of any judge by the
9 Judicial Department shall be made available to the members of the
10 Judicial Selection Commission in the performance of their duties as set
11 forth in section 51-44a. Any information disclosed to such members
12 shall be used by such members only for the purpose for which it was
13 given and shall not be disclosed to any other person.

14 Sec. 2. Subsection (c) of section 6-32d of the general statutes is

15 repealed and the following is substituted in lieu thereof (*Effective*
16 *October 1, 2012*):

17 (c) The Judicial Department may enter into an agreement with [state
18 agencies] any appropriate agency for the management, training or
19 coordination [, or any combination thereof,] of courthouse security and
20 prisoner custody and transportation functions, or any other matter
21 relating to security.

22 Sec. 3. Subsection (j) of section 14-296aa of the 2012 supplement to
23 the general statutes is repealed and the following is substituted in lieu
24 thereof (*Effective October 1, 2012*):

25 (j) The state shall remit to a municipality twenty-five per cent of the
26 fine amount received for a violation of this section with respect to each
27 summons issued by such municipality. [for a violation of this section.]
28 Each clerk of the Superior Court or the Chief Court Administrator, or
29 any other official of the Superior Court designated by the Chief Court
30 Administrator, shall, on or before the thirtieth day of January, April,
31 July and October in each year, certify to the Comptroller the amount
32 due for the previous quarter under this subsection to each
33 municipality served by the office of the clerk or official.

34 Sec. 4. Subsection (a) of section 47a-23a of the general statutes is
35 repealed and the following is substituted in lieu thereof (*Effective*
36 *October 1, 2012*):

37 (a) If, at the expiration of the three days prescribed in section 47a-23,
38 the lessee or occupant neglects or refuses to quit possession or
39 occupancy of the premises, any commissioner of the Superior Court
40 may issue a writ, summons and complaint which shall be in the form
41 and nature of an ordinary writ, summons and complaint in a civil
42 process, but which shall set forth facts justifying a judgment for
43 immediate possession or occupancy of the premises and make a claim
44 for possession or occupancy of the premises. If the claim is for the
45 possession or occupancy of nonresidential property, the writ,
46 summons and complaint [may] shall also make a claim for the

47 forfeiture to the plaintiff of the possessions and personal effects of the
48 defendant in accordance with section 47a-42a. If the plaintiff has
49 properly issued a notice to quit possession to an occupant by alias, if
50 permitted to do so by section 47a-23, and has no further identifying
51 information at the time of service of the writ, summons and complaint,
52 such writ, summons and complaint may also name and serve such
53 occupant or occupants as defendants. In any case in which service is to
54 be made upon an occupant or occupants identified by alias, the
55 complaint shall contain an allegation that the plaintiff does not know
56 the name of such occupant or occupants. Such complaint shall be
57 returnable to the Superior Court. Such complaint may be made
58 returnable six days, inclusive, after service upon the defendant and
59 shall be returned to court at least three days before the return day.
60 Such complaint may be served on any day of the week.
61 Notwithstanding the provisions of section 52-185 no recognizance shall
62 be required of a complainant appearing pro se.

63 Sec. 5. Subsection (c) of section 47a-26h of the general statutes is
64 repealed and the following is substituted in lieu thereof (*Effective*
65 *October 1, 2012*):

66 (c) Any occupant not named in the action who claims not to be
67 subject to the summary process action because his occupancy
68 commenced prior to service of the notice to quit or his occupancy
69 commenced or continued with the consent of the plaintiff or under a
70 right to occupy equal or superior to the rights of the plaintiff may, at
71 any time before or after judgment but prior to issuance of an execution,
72 file under oath a claim of exemption from such action. The Office of
73 the Chief Court Administrator shall prescribe a form upon which such
74 claim can be made, which form shall be in clear and simple language
75 and in readable format. Upon the filing of such a claim, the clerk shall
76 schedule a hearing, which shall be held not more than seven days after
77 the date of filing. Execution shall not issue until the court renders its
78 decision on the claim. The claimant shall have the burden of proof to
79 show that his occupancy commenced prior to service of the notice to
80 quit or that his occupancy was commenced or continued with the

81 consent of the plaintiff or under a right to occupy equal or superior to
82 the rights of the plaintiff. The burden of proof shall be upon the
83 plaintiff to show that he did not know of the presence of the occupant
84 or the name of the occupant, as the case may be. For purposes of this
85 chapter, if rent or use and occupancy payments have been made to the
86 plaintiff or his agent by the occupant, the plaintiff shall be deemed to
87 have known of the presence and the name of the occupant. The court
88 shall determine whether the claimant is bound by the action and, if the
89 court finds that the claimant is not bound, it shall declare the claimant
90 to be exempt from the action. In order to obtain a judgment for
91 possession of the premises as part of such action the plaintiff shall
92 serve the previously exempt occupant with a notice to quit possession
93 pursuant to section 47a-23. If the occupant is still in possession after
94 the date to quit possession has passed, the plaintiff shall serve the
95 occupant with an amended writ, summons and complaint adding the
96 occupant as a party defendant to such action of summary process. Any
97 occupant not exempt from the action shall have the same rights and
98 obligations as a named defendant and shall be bound by any
99 judgment. Notwithstanding the provisions of [section 47a-42] sections
100 47a-42 and 47a-42a, no summary process execution shall be issued or
101 enforced unless valid execution has been issued against all occupants
102 of the premises, except that such execution may be issued and
103 enforced, without issuing or enforcing execution against other
104 occupants, upon a person against whom a judgment has been entered
105 based upon that person's having conducted himself in a manner which
106 constitutes a serious nuisance by using the premises or any area within
107 fifteen hundred feet of any housing authority property in which such
108 person resides for the illegal sale of drugs, as defined in subparagraph
109 (D) of section 47a-15.

110 Sec. 6. Section 51-53 of the general statutes is repealed and the
111 following is substituted in lieu thereof (*Effective October 1, 2012*):

112 (a) Whenever any court, including a court of probate, or the judge of
113 any such court acting in any matter coming before him as a judge,
114 makes or renders any decision, order, decree, denial or ruling, unless it

115 is made or rendered in the presence of counsel in the matter, the clerk
116 of the court shall immediately notify counsel and any appearing party,
117 in writing by mail or electronic delivery, of the decision, order, decree,
118 denial or ruling. Electronic delivery may be by computer or facsimile
119 transmission or by employing other technology in accordance with
120 procedures and technical standards established by the Office of the
121 Chief Court Administrator or the Probate Court Administrator, as the
122 case may be. Notice delivered electronically shall have the same
123 validity and status as notice delivered by mail.

124 (b) The time limited by law for commencing appellate proceedings
125 on the decision, order, decree, denial or ruling shall date from the time
126 when such notice is issued by the clerk.

127 Sec. 7. Section 51-94a of the general statutes is repealed and the
128 following is substituted in lieu thereof (*Effective October 1, 2012*):

129 No attorney appointed by the court pursuant to rules of the
130 Superior Court to inventory the files of an inactive, suspended,
131 disbarred or resigned attorney and to take necessary action to protect
132 the interests of the inactive, suspended, disbarred or resigned
133 attorney's clients shall be liable for damage or injury, not wanton,
134 reckless or malicious, caused in the discharge of the appointed
135 attorney's duties in connection with such inventory and action. Any
136 attorney so appointed by the court shall be deemed to be a state officer
137 or employee for purposes of indemnification and defense under
138 section 5-141d.

139 Sec. 8. Section 51-164n of the 2012 supplement to the general statutes
140 is repealed and the following is substituted in lieu thereof (*Effective*
141 *October 1, 2012*):

142 (a) There shall be a Centralized Infractions Bureau of the Superior
143 Court to handle payments or pleas of not guilty with respect to the
144 commission of infractions and violations under subsection (b) of this
145 section. Except as provided in section 51-164o, any person who is
146 alleged to have committed an infraction or a violation under

147 subsection (b) of this section may plead not guilty or pay the
148 established fine and any additional fee or cost for the infraction or such
149 violation.

150 (b) Notwithstanding any provision of the general statutes, any
151 person who is alleged to have committed (1) a violation under the
152 provisions of section 1-9, 1-10, 1-11, 4b-13, 7-13, 7-14, 7-35, 7-41, 7-83, 7-
153 283, 7-325, 7-393, 8-25, 8-27, 9-63, 9-322, 9-350, 10-193, 10-197, 10-198,
154 10-230, 10-251, 10-254, 12-52, 12-170aa, 12-292 or 12-326g, subdivision
155 (4) of section 12-408, subdivision (3), (5) or (6) of section 12-411, section
156 12-435c, 12-476a, 12-476b, 12-487, 13a-71, 13a-107, 13a-113, 13a-114, 13a-
157 115, 13a-117b, 13a-123, 13a-124, 13a-139, 13a-140, 13a-143b, 13a-247 or
158 13a-253, subsection (f) of section 13b-42, section 13b-90, 13b-221, 13b-
159 292, 13b-336, 13b-337, 13b-338, 13b-410a, 13b-410b or 13b-410c,
160 subsection (a), (b) or (c) of section 13b-412, section 13b-414, subsection
161 (d) of section 14-12, section 14-20a or 14-27a, subsection (e) of section
162 14-34a, subsection (d) of section 14-35, section 14-43, 14-49, 14-50a or
163 14-58, subsection (b) of section 14-66, section 14-66a, 14-66b or 14-67a,
164 subsection (g) of section 14-80, subsection (f) of section 14-80h, section
165 14-97a, 14-100b, 14-103a, 14-106a, 14-106c, 14-146, 14-152, 14-153 or 14-
166 163b, a first violation as specified in subsection (f) of section 14-164i,
167 section 14-219 as specified in subsection (e) of said section, subdivision
168 (1) of section 14-223a, section 14-240, 14-249, 14-250 or 14-253a,
169 subsection (a) of section 14-261a, section 14-262, 14-264, 14-267a, 14-
170 269, 14-270, 14-275a, 14-278 or 14-279, subsection (e) of section 14-283,
171 section 14-291, 14-293b, 14-296aa, as amended by this act, 14-319, 14-
172 320, 14-321, 14-325a, 14-326, 14-330 or 14-332a, subdivision (1), (2) or (3)
173 of section 14-386a, section 15-33, subsection (a) of section 15-115,
174 section 16-256, 16-256e, 16a-15 or 16a-22, subsection (a) or (b) of section
175 16a-22h, section 17a-24, 17a-145, 17a-149, 17a-152, 17a-465, 17a-642,
176 17b-124, 17b-131, 17b-137 or 17b-734, subsection (b) of section 17b-736,
177 section 19a-30, 19a-33, 19a-39 or 19a-87, subsection (b) of section 19a-
178 87a, section 19a-91, 19a-105, 19a-107, 19a-215, 19a-219, 19a-222, 19a-224,
179 19a-286, 19a-287, 19a-297, 19a-301, 19a-309, 19a-335, 19a-336, 19a-338,
180 19a-339, 19a-340, 19a-425, 19a-502, 20-7a, 20-14, 20-158, 20-231, 20-257,

181 20-265 or 20-324e, section 20-341l, 20-597, 20-608, 20-610, 21-30, 21-38,
182 21-39, 21-43, 21-47, 21-48, 21-63, 21-76a, 21a-21, 21a-25, 21a-26 or 21a-
183 30, subsection (a) of section 21a-37, section 21a-46, 21a-61, 21a-63 or
184 21a-77, subsection (b) of section 21a-79, section 21a-85, 21a-154 or 21a-
185 159, subsection (a) of section 21a-279a, section 22-13, 22-14, 22-15, 22-
186 16, 22-29, 22-34, 22-35, 22-36, 22-38, 22-39, 22-39a, 22-39b, 22-39c, 22-
187 39d, 22-39e, 22-49, 22-54, 22-61, 22-89, 22-90, 22-98, 22-99, 22-100, 22-
188 111o, 22-279, 22-280a, 22-318a, 22-320h, 22-324a, 22-326 or 22-342,
189 subsection (b), (e) or (f) of section 22-344, section 22-359, 22-366, 22-391,
190 22-413, 22-414, 22-415, 22a-66a or 22a-246, subsection (a) of section 22a-
191 250, subsection (e) of section 22a-256h, section 22a-381d, 22a-449, 22a-
192 461, 23-37, 23-38, 23-46 or 23-61b, subsection (a) or (b) of section 23-65,
193 section 25-37, 25-40, 26-19, 26-21, 26-31, 26-40, 26-40a, 26-49, 26-54, 26-
194 59, 26-61, 26-64, 26-79, 26-89, 26-97, 26-107, 26-117, 26-128, 26-131, 26-
195 132, 26-138, 26-141, 26-207, 26-215, 26-224a, 26-227, 26-230, 26-294, 28-
196 13, 29-6a, 29-109, 29-143o, 29-143z or 29-156a, subsection (b), (d), (e) or
197 (g) of section 29-161q, section 29-161y, 29-161z, 29-198, 29-210, 29-243,
198 29-277, subsection (c) of section 29-291c, section 29-316, 29-318, 29-381,
199 30-48a, 30-86a, 31-3, 31-10, 31-11, 31-12, 31-13, 31-14, 31-15, 31-16, 31-18,
200 31-23, 31-24, 31-25, 31-28, 31-32, 31-36, 31-38, 31-38a, 31-40, 31-44, 31-47,
201 31-48, 31-51, 31-51k, 31-52, 31-52a or 31-54, subsection (a) or (c) of
202 section 31-69, section 31-70, 31-74, 31-75, 31-76, 31-76a, 31-89b or 31-
203 134, subsection (i) of section 31-273, section 31-288, 36a-787, 42-230,
204 45a-450, 45a-634 or 45a-658, subdivision (13) or (14) of section 46a-54,
205 section 46a-59, 46b-22, 46b-24, 46b-34, 47-34a, 47-47, 49-8a, 49-16 or 53-
206 133, or section 53-212a, 53-249a, 53-252, 53-264, 53-302a, 53-303e, 53-
207 311a, 53-321, 53-322, 53-323, 53-331, 53-344 or 53-450, or (2) a violation
208 under the provisions of chapter 268, or (3) a violation of any regulation
209 adopted in accordance with the provisions of section 12-484, 12-487 or
210 13b-410, or (4) a violation of any ordinance, regulation or bylaw of any
211 town, city or borough, except violations of building codes and the
212 health code, for which the penalty exceeds ninety dollars but does not
213 exceed two hundred fifty dollars, unless such town, city or borough
214 has established a payment and hearing procedure for such violation
215 pursuant to section 7-152c, shall follow the procedures set forth in this

216 section.

217 (c) If any person who is alleged to have committed an infraction or
218 any violation specified in subsection (b) of this section elects to pay the
219 fine and any additional fees or costs established for such infraction or
220 violation, he shall send payment, by mail or otherwise, to the
221 Centralized Infractions Bureau, made payable to the "clerk of the
222 Superior Court". Such payment shall be considered a plea of nolo
223 contendere and shall be inadmissible in any proceeding, civil or
224 criminal, to establish the conduct of the person, provided the
225 provisions of this section and section 51-164m shall not affect the
226 application of any administrative sanctions by either the
227 Commissioner of Energy and Environmental Protection authorized
228 under title 26 or the Commissioner of Motor Vehicles authorized
229 under title 14, except that no points shall be assessed by the
230 Commissioner of Motor Vehicles against the operator's license of such
231 person for such infraction or violation. The Judicial Department shall
232 provide notice of the provisions of this subsection to law enforcement
233 agencies and direct each law enforcement agency issuing a complaint
234 to provide such notice to any person who is alleged to have committed
235 a motor vehicle infraction or violation at the time a complaint alleging
236 such conduct is issued to such person.

237 (d) If the person elects to plead not guilty, he shall send the plea of
238 not guilty to the Centralized Infractions Bureau. The bureau shall send
239 such plea and request for trial to the clerk of the geographical area
240 where the trial is to be conducted. Such clerk shall advise such person
241 of a date certain for a hearing.

242 (e) A summons for the commission of an infraction or of a violation
243 specified in subsection (b) of this section shall not be deemed to be an
244 arrest and the commission of an infraction or of any such violation
245 shall not be deemed to be an offense within the meaning of section 53a-
246 24.

247 (f) The provisions of this section shall apply to the alleged

248 commission of an infraction or a violation specified in subsection (b) of
249 this section by a minor but, in a case involving a minor, a parent or
250 guardian shall sign any plea of nolo contendere or of not guilty on any
251 summons form issued in connection with the matter.

252 (g) If a person elects to plead not guilty and send the plea of not
253 guilty to the Centralized Infractions Bureau in accordance with
254 subsection (d) of this section, such person may subsequently, at a
255 proceeding at Superior Court, reach an agreement with the
256 prosecutorial official as to the amount of the fine to be paid and elect to
257 pay such fine without appearing before a judicial authority. The
258 amount of the fine agreed upon shall not exceed the amount of the fine
259 established for such infraction or violation. Any person who pays a
260 fine pursuant to this subsection shall also pay any additional fees or
261 costs established for such infraction or violation. Such person shall
262 make such payment to the clerk of the Superior Court and such
263 payment shall be considered a plea of nolo contendere and shall be
264 inadmissible in any proceeding, civil or criminal, to establish the
265 conduct of such person, provided the provisions of this section and
266 section 51-164m shall not affect the application of any administrative
267 sanctions by either the Commissioner of Energy and Environmental
268 Protection authorized under title 26 or the Commissioner of Motor
269 Vehicles authorized under title 14. A plea of nolo contendere pursuant
270 to this subsection does not have to be submitted in writing. Nothing in
271 this subsection shall affect the right of a person who is alleged to have
272 committed an infraction or any violation specified in subsection (b) of
273 this section to plead not guilty and request a trial before a judicial
274 authority.

275 ~~[(g)]~~ (h) In any trial for the alleged commission of an infraction, the
276 practice, procedure, rules of evidence and burden of proof applicable
277 in criminal proceedings shall apply, except that in any trial for the
278 alleged commission of an infraction under subsection (d) of section
279 21a-267, the burden of proof shall be by the preponderance of the
280 evidence. Any person found guilty at the trial or upon a plea shall be
281 guilty of the commission of an infraction and shall be fined not less

282 than thirty-five dollars or more than ninety dollars or, if the infraction
283 is for a violation of any provision of title 14, not less than fifty dollars
284 or more than ninety dollars.

285 [(h)] (i) In any trial for the alleged commission of a violation
286 specified in subsection (b) of this section, the practice, procedure, rules
287 of evidence and burden of proof applicable in criminal proceedings
288 shall apply, except that in any trial for the alleged commission of a
289 violation under subsection (a) of section 21a-279a, the burden of proof
290 shall be by the preponderance of the evidence. Any person found
291 guilty at the trial or upon a plea shall be guilty of the commission of a
292 violation and shall be fined not more than the statutory amount
293 applicable to such violation.

294 Sec. 9. Subsection (a) of section 51-181c of the general statutes is
295 repealed and the following is substituted in lieu thereof (*Effective*
296 *October 1, 2012*):

297 (a) The Chief Court Administrator shall designate one court location
298 in which a community court [pilot program] is to be established where
299 there shall be a docket separate from other criminal matters for the
300 hearing of (1) criminal matters which are misdemeanor cases, (2)
301 misdemeanor cases transferred by the housing session of the Superior
302 Court, and (3) violations of municipal ordinances referred by
303 municipalities, in accordance with policies and procedures established
304 by the Chief Court Administrator.

305 Sec. 10. Subsection (j) of section 4b-55 of the general statutes is
306 repealed and the following is substituted in lieu thereof (*Effective*
307 *October 1, 2012*):

308 (j) "Community court project" means (1) any project to renovate and
309 improve a facility designated for the community court [pilot program]
310 established pursuant to section 51-181c, as amended by this act, and (2)
311 the renovation and improvement of other state facilities required for
312 the relocation of any state agency resulting from the placement of the
313 community court;

314 Sec. 11. Section 51-197f of the general statutes is repealed and the
315 following is substituted in lieu thereof (*Effective July 1, 2012*):

316 Upon final determination of any appeal by the Appellate Court,
317 there shall be no right to further review except the Supreme Court
318 shall have the power to certify cases for its review upon petition by an
319 aggrieved party or by the appellate panel which heard the matter. [and
320 upon the vote of three justices of the Supreme Court so to certify and]
321 A vote of three judges of the Supreme Court shall be required to certify
322 a case for review by the Supreme Court, except that if fewer than six
323 judges of said court are available to consider a petition, a vote of two
324 judges of said court shall be required to certify a case, under such other
325 rules as the justices of [the Supreme Court] said court shall establish.
326 The procedure on appeal from the Appellate Court to the Supreme
327 Court shall, except as otherwise provided, be in accordance with the
328 procedure provided by rule or law for the appeal of judgments
329 rendered by the Superior Court, unless modified by rule of the justices
330 of the Supreme Court.

331 Sec. 12. Section 51-198 of the general statutes is repealed and the
332 following is substituted in lieu thereof (*Effective July 1, 2012*):

333 (a) The Supreme Court shall consist of one Chief Justice and six
334 associate judges, who shall, at the time of their appointment, also be
335 appointed judges of the Superior Court.

336 (b) In addition thereto, each Chief Justice or associate judge of the
337 Supreme Court who elects to retain office but to retire from full-time
338 active service shall continue to be a member of the Supreme Court
339 during the remainder of his or her term of office and during the term
340 of any reappointment under section 51-50i, until he or she attains the
341 age of seventy years. He or she shall be entitled to participate in the
342 meetings of the judges of the Supreme Court and vote as a member
343 thereof. [, but only with respect to matters for which he or she has been
344 summoned pursuant to subsection (b) of section 51-207.]

345 (c) A judge of the Supreme Court who has attained the age of

346 seventy years may continue to deliberate and participate in all matters
347 concerning the disposition of any case which the judge heard prior to
348 attaining said age, until such time as the decision in any such case is
349 officially released. The judge may also participate in the deliberation of
350 a motion for reconsideration in such case if such motion is filed within
351 ten days of the official release of such decision.

352 Sec. 13. Section 51-201 of the general statutes is repealed and the
353 following is substituted in lieu thereof (*Effective July 1, 2012*):

354 The [justices] judges of the Supreme Court shall appoint a chief
355 clerk of the Supreme Court who shall not be a chief clerk of any
356 judicial district. The chief clerk of the Supreme Court shall also be the
357 chief clerk of the Appellate Court.

358 Sec. 14. Section 51-207 of the general statutes is repealed and the
359 following is substituted in lieu thereof (*Effective July 1, 2012*):

360 (a) The Supreme Court shall sit in panels of five, six or seven judges,
361 pursuant to rules adopted by said court.

362 [(a)] (b) Each party in any case before the Supreme Court has a right
363 to be heard by a panel consisting of at least five associate judges or the
364 Chief Justice and four associate judges. The Chief Justice or an
365 associate judge of the Supreme Court who elects to retain office but to
366 retire from full-time active service, pursuant to subsection (b) of
367 section 51-198, as amended by this act, may participate in any panel if
368 the Chief Justice or at least one associate judge is disabled, disqualified
369 or unavailable.

370 [(b) If any judge is disabled or if any judge is disqualified and the
371 disqualification is not waived or if the business before the court
372 requires it, the Chief Justice or, in the case of his or her disability or
373 disqualification, the most senior associate judge qualified may
374 summon the sixth or seventh member, or both, of the Supreme Court
375 to constitute a panel.]

376 (c) If a panel cannot be constituted from the seven members of the
377 Supreme Court and any senior judges of the Supreme Court due to the
378 disability, [or] disqualification or unavailability of one or more
379 members, the Chief Justice or, in the case of his or her disability or
380 disqualification, the most senior associate judge qualified may
381 summon one or more judges of the Superior Court, [including senior
382 judges of the Supreme Court] and one or more judges and senior
383 judges of the Appellate Court [,] to constitute a panel, who shall attend
384 and act as judges of the Supreme Court for the time being.

385 [(c)] (d) The Chief Justice or any judge shall not sit to review a
386 decision he or she made below.

387 Sec. 15. Subsection (a) of section 51-222a of the general statutes is
388 repealed and the following is substituted in lieu thereof (*Effective*
389 *October 1, 2012*):

390 (a) Annually, upon the request of the Jury Administrator, the
391 Commissioner of Motor Vehicles shall supply the Jury Administrator
392 with the latest updated file of licensed motor vehicle operators for the
393 state and with the latest updated file of holders of identity cards issued
394 under section 1-1h. Upon the request of the Jury Administrator, the
395 Commissioner of Revenue Services shall supply the Jury
396 Administrator with the most recent updated list of residents of this
397 state who have a permanent place of abode in this state and who filed
398 a return on personal income under chapter 229 in the last tax year, and
399 the Labor Commissioner shall supply the Jury Administrator with the
400 most recent updated list of residents of this state who are recipients of
401 unemployment compensation under chapter 567. In addition, upon the
402 request of the Jury Administrator, the registrars of voters of each town
403 shall supply a list of all electors from their town, except that in lieu of
404 such list from the registrars of voters, the Jury Administrator may
405 obtain the list of all electors from a central repository, or if such list is
406 not available, may contract for the creation and purchase of such list.
407 The registrars of voters shall provide lists of electors to the contractor
408 at the request of the Jury Administrator. Annually, upon the request of

409 the Jury Administrator, the Commissioner of Public Health shall
410 supply the Jury Administrator with the most recent updated list of
411 deceased persons. The lists supplied to the Jury Administrator under
412 this subsection shall be in the format prescribed by the Jury
413 Administrator and shall include, at a minimum, the name, address
414 and, if available, date of birth of each person on such list or the reason
415 for the unavailability. The lists supplied by the Commissioner of Motor
416 Vehicles, the Commissioner of Revenue Services, the Commissioner of
417 Public Health and the Labor Commissioner to the Jury Administrator
418 under this subsection shall also include the [federal] Social Security
419 number of each person on such list or the reason for the unavailability.
420 The lists of electors supplied to the Jury Administrator by registrars of
421 voters or the Secretary of the State under this subsection shall not
422 include [federal] Social Security numbers of persons on such lists.

423 Sec. 16. Subsections (d) and (e) of section 51-243 of the general
424 statutes are repealed and the following is substituted in lieu thereof
425 (*Effective October 1, 2012*):

426 (d) If, at any time, any juror shall, for any reason, become unable to
427 further perform his or her duty, the court may excuse [him] such juror.
428 If any juror is so excused or dies, the court may order that an alternate
429 juror who is designated by lot to be drawn by the clerk, shall become a
430 part of the regular panel and the trial shall then proceed as though the
431 alternate juror had been a member of the regular panel from the time
432 when the trial was begun. If a juror becomes a member of the regular
433 panel after deliberations have begun, the jury shall be instructed by the
434 court that deliberations by the jury shall begin anew.

435 (e) A juror selected to serve as an alternate shall not be segregated
436 from the regular panel except when the case is given to the regular
437 panel for deliberation at which time [he] such alternate juror shall be
438 dismissed from further service on the case or may remain in service
439 under the direction of the court.

440 Sec. 17. Section 52-72 of the general statutes is repealed and the

441 following is substituted in lieu thereof (*Effective October 1, 2012*):

442 (a) [Any] Upon payment of taxable costs, any court shall allow a
443 proper amendment to civil process which [has been made returnable
444 to the wrong return day or is for any other reason defective, upon
445 payment of costs taxable upon sustaining a plea in abatement] is for
446 any reason defective.

447 (b) Such amended process shall be served in the same manner as
448 other civil process and shall have the same effect, from the date of the
449 service, as if originally proper in form.

450 (c) If the court, on motion and after hearing, finds that the parties
451 had notice of the pendency of the action and their rights have not been
452 prejudiced or affected by reason of the defect, any attachment made by
453 the original service and the rights under any lis pendens shall be
454 preserved and continued from the date of service of the original
455 process as though the original process had been in proper form. A
456 certified copy of the finding shall be attached to and served with the
457 amended process.

458 Sec. 18. Section 53a-29 of the general statutes is amended by adding
459 subsection (h) as follows (*Effective October 1, 2012*):

460 (NEW) (h) For the purposes of this section, a motor vehicle violation
461 for which a sentence to a term of imprisonment of more than one year
462 may be imposed shall be deemed an unclassified felony.

463 Sec. 19. Subsection (a) of section 53a-217 of the general statutes is
464 repealed and the following is substituted in lieu thereof (*Effective*
465 *October 1, 2012*):

466 (a) A person is guilty of criminal possession of a firearm or
467 electronic defense weapon when such person possesses a firearm or
468 electronic defense weapon and (1) has been convicted of a felony, (2)
469 has been convicted as delinquent for the commission of a serious
470 juvenile offense, as defined in section 46b-120, (3) knows that such

471 person is subject to (A) a restraining or protective order of a court of
472 this state that has been issued against such person, after notice and an
473 opportunity to be heard has been provided to such person, in a case
474 involving the use, attempted use or threatened use of physical force
475 against another person, or (B) a foreign order of protection, as defined
476 in section 46b-15a, that has been issued against such person in a case
477 involving the use, attempted use or threatened use of physical force
478 against another person, (4) knows that such person is subject to a
479 firearms seizure order issued pursuant to subsection (d) of section 29-
480 38c after notice and an opportunity to be heard has been provided to
481 such person, or (5) is prohibited from shipping, transporting,
482 possessing or receiving a firearm pursuant to 18 USC 922(g)(4). For the
483 purposes of this section, "convicted" means having a judgment of
484 conviction entered by a court of competent jurisdiction, and a motor
485 vehicle violation for which a sentence to a term of imprisonment of
486 more than one year may be imposed shall be deemed an unclassified
487 felony.

488 Sec. 20. Section 54-102g of the 2012 supplement to the general
489 statutes is amended by adding subsection (k) as follows (*Effective*
490 *October 1, 2012*):

491 (NEW) (k) For the purposes of this section, a motor vehicle violation
492 for which a sentence to a term of imprisonment of more than one year
493 may be imposed shall be deemed an unclassified felony.

494 Sec. 21. (NEW) (*Effective October 1, 2012*) For the purposes of section
495 54-133 of the general statutes, a motor vehicle violation for which a
496 sentence to a term of imprisonment of more than one year may be
497 imposed shall be deemed a criminal offense.

498 Sec. 22. Section 54-66a of the general statutes is repealed and the
499 following is substituted in lieu thereof (*Effective October 1, 2012*):

500 Any bail bond posted in any criminal proceeding in this state shall
501 be automatically terminated and released whenever the defendant: (1)
502 Is granted accelerated rehabilitation pursuant to section 54-56e; (2) is

503 granted admission to the pretrial alcohol education program pursuant
504 to section 54-56g; (3) is granted admission to the pretrial family
505 violence education program pursuant to section 46b-38c, as amended
506 by this act; (4) is granted admission to the community service labor
507 program pursuant to section 53a-39c; (5) is granted admission to the
508 pretrial drug education program pursuant to section 54-56i; (6) has the
509 complaint or information filed against such defendant dismissed; (7) is
510 acquitted; (8) is sentenced by the court; (9) is granted admission to the
511 pretrial school violence prevention program pursuant to section 54-56j;
512 [or] (10) is charged with a violation of section 29-33 and prosecution
513 has been suspended pursuant to subsection (h) of section 29-33; or (11)
514 is granted admission to the supervised diversionary program for
515 persons with psychiatric disabilities pursuant to section 54-56l.

516 Sec. 23. Subsection (c) of section 54-142a of the general statutes is
517 repealed and the following is substituted in lieu thereof (*Effective*
518 *October 1, 2012*):

519 (c) (1) Whenever any charge in a criminal case has been nolle in the
520 Superior Court, or in the Court of Common Pleas, if at least thirteen
521 months have elapsed since such nolle, all police and court records and
522 records of the state's or prosecuting attorney or the prosecuting grand
523 juror pertaining to such charge shall be erased, except that in cases of
524 nolles entered in the Superior Court, Court of Common Pleas, Circuit
525 Court, municipal court or by a justice of the peace prior to April 1,
526 1972, such records shall be deemed erased by operation of law and the
527 clerk or the person charged with the retention and control of such
528 records shall not disclose to anyone their existence or any information
529 pertaining to any charge so erased, provided nothing in this subsection
530 shall prohibit the arrested person or any one of his heirs from filing a
531 petition to the court or to the records center of the Judicial Department,
532 as the case may be, to have such records erased, in which case such
533 records shall be erased.

534 (2) Whenever any charge in a criminal case has been continued at
535 the request of the prosecuting attorney, and a period of thirteen

536 months has elapsed since the granting of such continuance during
537 which period there has been no prosecution or other disposition of the
538 matter, the charge shall be [construed to have been nolleed as of the
539 date of termination of such thirteen-month period] nolleed upon motion
540 of the arrested person and such erasure may thereafter be effected or a
541 petition filed therefor, as the case may be, as provided in this
542 subsection for nolleed cases.

543 Sec. 24. Section 54-143b of the general statutes is repealed and the
544 following is substituted in lieu thereof (*Effective October 1, 2012*):

545 The total amount of any forfeited bond for a motor vehicle violation,
546 when such bond is composed in part of an additional fee established
547 under subsection (c) or (d) of section 51-56a, any cost established under
548 subsection (b) of section 54-143 or any cost established under section
549 54-143a, shall be deposited in the General Fund as one undifferentiated
550 lump sum amount or deposited in the Special Transportation Fund as
551 one undifferentiated lump sum amount as may be required by statute.

552 Sec. 25. Section 54-203 of the general statutes is repealed and the
553 following is substituted in lieu thereof (*Effective October 1, 2012*):

554 (a) There is established an Office of Victim Services within the
555 Judicial Department.

556 (b) The Office of Victim Services shall have the following powers
557 and duties:

558 (1) To direct each hospital, whether public or private, to display
559 prominently in its emergency room posters giving notice of the
560 availability of compensation and assistance to victims of crime or their
561 dependents pursuant to sections 54-201 to 54-233, inclusive, as
562 amended by this act, and to direct every law enforcement agency of
563 the state to inform victims of crime or their dependents of their rights
564 pursuant to sections 54-201 to 54-233, inclusive, as amended by this
565 act;

566 (2) To request from the office of the state's attorney, state police,
567 local police departments or any law enforcement agency such
568 investigation and data as will enable the Office of Victim Services to
569 determine if in fact the applicant was a victim of a crime or attempted
570 crime and the extent, if any, to which the victim or claimant was
571 responsible for his own injury;

572 (3) To request from the Department of Correction, other units of the
573 Judicial Department and the Board of Pardons and Paroles such
574 information as will enable the Office of Victim Services to determine if
575 in fact a person who has requested notification pursuant to section 54-
576 228 was a victim of a crime;

577 (4) To direct medical examination of victims as a requirement for
578 payment under sections 54-201 to 54-233, inclusive, as amended by this
579 act;

580 (5) To take or cause to be taken affidavits or depositions within or
581 without the state;

582 (6) To apply for, receive, allocate, disburse and account for grants of
583 funds made available by the United States, by the state, foundations,
584 corporations and other businesses, agencies or individuals to
585 implement a program for victim services which shall assist witnesses
586 and victims of crimes as the Office of Victim Services deems
587 appropriate within the resources available and to coordinate services
588 to victims by state and community-based agencies, with priority given
589 to victims of violent crimes, by (A) assigning, in consultation with the
590 Division of Criminal Justice, such victim advocates as are necessary to
591 provide assistance; (B) administering victim service programs; and (C)
592 awarding grants or purchase of service contracts [in accordance with
593 the plan developed under subdivision (15) of this subsection] to
594 private nonprofit organizations or local units of government for the
595 direct delivery of services, except that the provision of training and
596 technical assistance of victim service providers and the development
597 and implementation of public education campaigns may be provided

598 by private nonprofit or for-profit organizations or local units of
599 government. Such grants and contracts shall be the predominant
600 method by which the Office of Victim Services shall develop,
601 implement and operate direct service programs and provide training
602 and technical assistance to victim service providers;

603 (7) To provide each person who applies for compensation pursuant
604 to section 54-204, within ten days of the date of receipt of such
605 application, with a written list of rights of victims of crime involving
606 personal injury and the programs available in this state to assist such
607 victims. The Office of Victim Services, the state or any agent, employee
608 or officer thereof shall not be liable for the failure to supply such list or
609 any alleged inadequacies of such list. Such list shall include, but not be
610 limited to:

611 (A) Subject to the provisions of sections 18-81e and 51-286e, the
612 victim shall have the right to be informed concerning the status of his
613 or her case and to be informed of the release from custody of the
614 defendant;

615 (B) Subject to the provisions of section 54-91c, the victim shall have
616 the right to present a statement of his or her losses, injuries and wishes
617 to the prosecutor and the court prior to the acceptance by the court of a
618 plea of guilty or nolo contendere made pursuant to a plea agreement
619 with the state wherein the defendant pleads to a lesser offense than the
620 offense with which the defendant was originally charged;

621 (C) Subject to the provisions of section 54-91c, prior to the
622 imposition of sentence upon the defendant, the victim shall have the
623 right to submit a statement to the prosecutor as to the extent of any
624 injuries, financial losses and loss of earnings directly resulting from the
625 crime;

626 (D) Subject to the provisions of section 54-126a, the victim shall have
627 the right to appear before a panel of the Board of Pardons and Paroles
628 and make a statement as to whether the defendant should be released
629 on parole and any terms or conditions to be imposed upon any such

630 release;

631 (E) Subject to the provisions of section 54-36a, the victim shall have
632 the right to have any property the victim owns which was seized by
633 police in connection with an arrest to be returned;

634 (F) Subject to the provisions of sections 54-56e and 54-142c, the
635 victim shall have the right to be notified of the application by the
636 defendant for the pretrial program for accelerated rehabilitation and to
637 obtain from the court information as to whether the criminal
638 prosecution in the case has been dismissed;

639 (G) Subject to the provisions of section 54-85b, the victim cannot be
640 fired, harassed or otherwise retaliated against by an employer for
641 appearing under a subpoena as a witness in any criminal prosecution;

642 (H) Subject to the provisions of section 54-86g, the parent or legal
643 guardian of a child twelve years of age or younger who is a victim of
644 child abuse or sexual assault may request special procedural
645 considerations to be taken during the testimony of the child;

646 (I) Subject to the provisions of section 46b-15, the victim of assault
647 by a spouse or former spouse, family or household member has the
648 right to request the arrest of the offender, request a protective order
649 and apply for a restraining order;

650 (J) Subject to the provisions of sections 52-146k, 54-86e and 54-86f,
651 the victim of sexual assault or domestic violence can expect certain
652 records to remain confidential;

653 (8) Within available appropriations, to establish a victim's assistance
654 center which shall provide a victims' rights information clearinghouse
655 which shall be a central repository of information regarding rights of
656 victims of crime and services available to such victims and shall collect
657 and disseminate such information to assist victims;

658 (9) To provide [, not later than January 1, 1994,] a victims'
659 notification clearinghouse which shall be a central repository for

660 requests for notification filed pursuant to sections 54-228 and 54-229,
661 and to notify [, on and after January 1, 1994,] persons who have filed
662 such a request whenever an inmate has applied for release from a
663 correctional institution or reduction of sentence or review of sentence
664 pursuant to section 54-227 or whenever an inmate is scheduled to be
665 released from a correctional institution and [, on and after January 1,
666 1994,] to provide victims of family violence crimes, upon request,
667 information concerning any modification or termination of criminal
668 orders of protection;

669 (10) To provide a telephone [hotline] helpline that shall provide
670 information on referrals for various services for victims of crime and
671 their families;

672 (11) To provide staff services to a state advisory council. The council
673 shall consist of not more than fifteen members to be appointed by the
674 Chief Justice and shall include the Chief Victim Compensation
675 Commissioner and members who represent victim populations,
676 including but not limited to, homicide survivors, family violence
677 victims, sexual assault victims, victims of drunk drivers, and assault
678 and robbery victims, and members who represent the judicial branch
679 and executive branch agencies involved with victims of crime. The
680 members shall serve for terms of four years. Any vacancy in the
681 membership shall be filled by the appointing authority for the balance
682 of the unexpired term. The members shall receive no compensation for
683 their services. The council shall meet at least six times a year. The
684 council shall recommend to the Office of Victim Services program,
685 legislative or other matters which would improve services to victims of
686 crime and develop and coordinate needs assessments for both court-
687 based and community-based victim services. The Chief Justice shall
688 appoint two members to serve as cochairmen. Not later than December
689 fifteenth of each year, the council shall report the results of its findings
690 and activities to the Chief Court Administrator;

691 (12) To utilize such voluntary and uncompensated services of
692 private individuals, agencies and organizations as may from time to

693 time be offered and needed;

694 (13) To recommend policies and make recommendations to agencies
695 and officers of the state and local subdivisions of government relative
696 to victims of crime;

697 (14) To provide support and assistance to state-wide victim services
698 coalitions and groups;

699 [(15) To develop, in coordination with the Department of Social
700 Services, the Department of Public Health, the Office of Policy and
701 Management, the Department of Children and Families and the
702 Division of Criminal Justice, a comprehensive plan to more effectively
703 administer crime victims' compensation and coordinate the delivery of
704 services to crime victims, including the funding of such services. Such
705 plan shall be submitted to the Governor and the General Assembly not
706 later than January 1, 1994;]

707 [(16)] (15) Within available appropriations to establish a crime
708 victims' information clearinghouse which shall be a central repository
709 for information collected pursuant to subdivision (9) of this subsection
710 and information made available through the criminal justice
711 information system, to provide a toll-free telephone number for access
712 to such information and to develop a plan, in consultation with all
713 agencies required to provide notification to victims, outlining any
714 needed statutory changes, resources and working agreements
715 necessary to make the Office of Victim Services the lead agency for
716 notification of victims, which plan shall be submitted to the General
717 Assembly not later than February 15, 2000;

718 [(17)] (16) To provide a training program for judges, prosecutors,
719 police, probation and parole personnel, bail commissioners, intake,
720 assessment and referral specialists, officers from the Department of
721 Correction and judicial marshals to inform them of victims' rights and
722 available services;

723 [(18)] (17) To establish a sexual assault forensic examiners program

724 that will train and make available sexual assault forensic examiners to
725 adolescent and adult victims of sexual assault who are patients at
726 participating acute care hospitals. In order to establish and implement
727 such program, the Office of Victim Services may apply for, receive,
728 allocate, disburse and account for grants of funds made available by
729 the United States, the state, foundations, corporations and other
730 businesses, agencies or individuals; and

731 [(19)] (18) To submit to the joint standing committee of the General
732 Assembly having cognizance of matters relating to victim services, in
733 accordance with the provisions of section 11-4a, on or before January
734 15, 2000, and biennially thereafter a report of its activities under
735 sections 54-201 to 54-233, inclusive, as amended by this act, including,
736 but not limited to, implementation of training activities and mandates.
737 Such report shall include the types of training provided, entities
738 providing training and recipients of training.

739 Sec. 26. Section 54-209 of the general statutes is repealed and the
740 following is substituted in lieu thereof (*Effective October 1, 2012*):

741 (a) The Office of Victim Services or, on review, a victim
742 compensation commissioner may order the payment of compensation
743 in accordance with the provisions of sections 54-201 to 54-233,
744 inclusive, as amended by this act, for personal injury or death which
745 resulted from: (1) An attempt to prevent the commission of crime or to
746 apprehend a suspected criminal or in aiding or attempting to aid a
747 police officer so to do, (2) the commission or attempt to commit by
748 another of any crime as provided in section 53a-24, (3) [the operation
749 of a motor vehicle by another person who was subsequently convicted
750 with respect to such operation for a violation of subsection (a) of
751 section 14-224 or of section 14-227a, 53a-56b or 53a-60d, or (4)] any
752 crime involving international terrorism as defined in Section 2331 of
753 Title 18 of the United States Code.

754 [(b) In the absence of conviction, as provided in subdivision (3) of
755 subsection (a) of this section, the Office of Victim Services or, on

756 review, a victim compensation commissioner may order payment of
757 compensation under this section if, upon consideration of all
758 circumstances determined to be relevant, the Office of Victim Services
759 or a victim compensation commissioner, as the case may be,
760 reasonably concludes that another person has operated a motor vehicle
761 in violation of subsection (a) of section 14-224 or of section 14-227a,
762 53a-56b or 53a-60d.]

763 (b) The Office of Victim Services or, on review, a victim
764 compensation commissioner may also order the payment of
765 compensation in accordance with the provisions of sections 54-201 to
766 54-233, inclusive, as amended by this act, for personal injury or death
767 that resulted from the operation of a motor vehicle by another person
768 who was subsequently convicted with respect to such operation for a
769 violation of subsection (a) of section 14-224 or section 14-227a, 53a-56b
770 or 53a-60d. In the absence of a conviction, the Office of Victim Services
771 or, on review, a victim compensation commissioner may order
772 payment of compensation under this section if, upon consideration of
773 all circumstances determined to be relevant, the office or
774 commissioner, as the case may be, reasonably concludes that another
775 person has operated a motor vehicle in violation of subsection (a) of
776 section 14-224 or section 14-227a, 53a-56b or 53a-60d.

777 (c) Except as provided in [subdivision (3) of subsection (a) and]
778 subsection (b) of this section, no act involving the operation of a motor
779 vehicle which results in injury shall constitute a crime for the purposes
780 of sections 54-201 to 54-233, inclusive, as amended by this act, unless
781 the injuries were intentionally inflicted through the use of the vehicle.

782 (d) In instances where a violation of section 53-21, 53a-70, 53a-70a,
783 53a-70b, 53a-70c, 53a-71, 53a-72a, 53a-72b or 53a-73a has been alleged,
784 the Office of Victim Services or, on review, a victim compensation
785 commissioner may order compensation be paid if (1) the personal
786 injury has been disclosed to: (A) A physician or surgeon licensed
787 under chapter 370; (B) a resident physician or intern in any hospital in
788 this state, whether or not licensed; (C) a physician assistant licensed

789 under chapter 370; (D) an advanced practice registered nurse,
790 registered nurse or practical nurse licensed under chapter 378; (E) a
791 psychologist licensed under chapter 383; (F) a police officer; (G) a
792 mental health professional; (H) an emergency medical services
793 provider licensed or certified under chapter 368d; (I) an alcohol and
794 drug counselor licensed or certified under chapter 376b; (J) a marital
795 and family therapist licensed under chapter 383a; (K) a sexual assault
796 counselor or battered women's counselor as defined in section 52-146k;
797 (L) a professional counselor licensed under chapter 383c; (M) a clinical
798 social worker licensed under chapter 383b; or (N) an employee of the
799 Department of Children and Families; and (2) the office or
800 commissioner, as the case may be, reasonably concludes that a
801 violation of any of said sections has occurred.

802 [(d)] (e) Evidence of an order for the payment of compensation by
803 the Office of Victim Services or a victim compensation commissioner in
804 accordance with the provisions of sections 54-201 to 54-233, inclusive,
805 as amended by this act, shall not be admissible in any civil proceeding
806 to prove the liability of any person for such personal injury or death or
807 in any criminal proceeding to prove the guilt or innocence of any
808 person for any crime.

809 Sec. 27. Subsection (a) of section 54-210 of the general statutes is
810 repealed and the following is substituted in lieu thereof (*Effective*
811 *October 1, 2012*):

812 (a) The Office of Victim Services or a victim compensation
813 commissioner may order the payment of compensation under sections
814 54-201 to 54-233, inclusive, as amended by this act, for: (1) Expenses
815 actually and reasonably incurred as a result of the personal injury or
816 death of the victim, provided coverage for the cost of medical care and
817 treatment of a crime victim who does not have medical insurance or
818 who has exhausted coverage under applicable health insurance
819 policies or Medicaid shall be ordered; (2) loss of earning power as a
820 result of total or partial incapacity of such victim; (3) pecuniary loss to
821 the spouse or dependents of the deceased victim, provided the family

822 qualifies for compensation as a result of murder or manslaughter of
823 the victim; (4) pecuniary loss to the relatives or dependents of a
824 deceased victim for attendance at court proceedings with respect to the
825 criminal case of the person or persons charged with committing the
826 crime that resulted in the death of the victim; and (5) any other loss,
827 except as set forth in section 54-211, as amended by this act, resulting
828 from the personal injury or death of the victim which the Office of
829 Victim Services or a victim compensation commissioner, as the case
830 may be, determines to be reasonable. [At the discretion of said office or
831 victim compensation commissioner, there shall be one hundred dollars
832 deductible from the total amount determined by said office or victim
833 compensation commissioner.]

834 Sec. 28. Subsections (d) and (e) of section 54-211 of the general
835 statutes are repealed and the following is substituted in lieu thereof
836 (*Effective October 1, 2012*):

837 (d) (1) No compensation [shall be awarded for the first hundred
838 dollars of injury sustained and no such compensation] shall be in an
839 amount in excess of fifteen thousand dollars except that [such]
840 compensation to or for the benefit of the dependents of a homicide
841 victim shall be in an amount not to exceed twenty-five thousand
842 dollars. The claims of the dependents of a deceased victim, as provided
843 in section 54-208, shall be considered derivative of the claim of such
844 victim and the total compensation paid for all claims arising from the
845 death of such victim shall not exceed a maximum of twenty-five
846 thousand dollars.

847 (2) Notwithstanding the provisions of subdivision (1) of this
848 subsection, the Office of Victim Services or a victim compensation
849 commissioner may, for good cause shown and upon a finding of
850 compelling equitable circumstances, award compensation in an
851 amount in excess of the maximum amounts set forth in said
852 subdivision.

853 (e) Orders for payment of compensation pursuant to sections 54-201

854 to 54-233, inclusive, as amended by this act, may be made only as to
855 injuries or death resulting from incidents or offenses arising on and
856 after January 1, 1979, except that orders for payment of compensation
857 pursuant to [subdivision (3) of subsection (a)] subsection (b) of section
858 54-209, as amended by this act, may be made only as to injuries or
859 death resulting from incidents or offenses arising on and after July 1,
860 1985.

861 Sec. 29. Subsection (b) of section 54-212 of the general statutes is
862 repealed and the following is substituted in lieu thereof (*Effective*
863 *October 1, 2012*):

864 (b) If the applicant brings an action against the person or persons
865 responsible for such injury or death to recover damages arising out of
866 the crime for which an award has been granted, or, if the applicant
867 recovers money from any other source or sources including, but not
868 limited to, payments from state or municipal agencies, insurance
869 benefits or workers' compensation awards as a result of the incident or
870 offense giving rise to the application, the Office of Victim Services shall
871 have a lien on the applicant's recovery for the amount to which the
872 office is entitled to reimbursement. [The] If an action is brought by the
873 applicant against the person or persons responsible for the injury or
874 death, the applicant shall notify the Office of Victim Services of the
875 filing of such complaint within thirty days of the filing of the
876 complaint in court. Whenever an applicant recovers damages, whether
877 by judgment, settlement or compromise settlement before or after
878 judgment, from the person or persons responsible for such injury, and
879 whenever an applicant recovers money from any other source or
880 sources including, but not limited to, payments from state or
881 municipal agencies, insurance benefits or workers' compensation
882 awards as a result of the incident or offense giving rise to the
883 application, the Office of Victim Services is entitled to reimbursement
884 from the applicant for two-thirds of the amount paid pursuant to any
885 order for the payment of compensation for personal injury or death or
886 for the provision of restitution services.

887 Sec. 30. Subsection (b) of section 19a-112f of the general statutes is
888 repealed and the following is substituted in lieu thereof (*Effective*
889 *October 1, 2012*):

890 (b) The committee shall advise the Office of Victim Services on the
891 establishment and implementation of the sexual assault forensic
892 examiners program pursuant to subdivision [(18)] (17) of subsection
893 (b) of section 54-203, as amended by this act, and section 19a-112g. The
894 committee shall make specific recommendations concerning: (1) The
895 recruitment of registered nurses, advanced practice registered nurses
896 and physicians to participate in such program; (2) the development of
897 a specialized training course concerning such program for registered
898 nurses, advanced practice registered nurses and physicians who
899 participate in the program; (3) the development of agreements between
900 the Judicial Branch, the Department of Public Health and acute care
901 hospitals relating to the scope of services offered under the program
902 and hospital standards governing the provision of such services; (4)
903 individual case tracking mechanisms; (5) utilization of medically
904 accepted best practices; and (6) the development of quality assurance
905 measures.

906 Sec. 31. (NEW) (*Effective July 1, 2012*) Two persons who are parties to
907 a valid civil union performed in a foreign jurisdiction may bring an
908 action for dissolution, annulment or legal separation of the civil union
909 in this state, and the Superior Court may enter an order of dissolution,
910 annulment or legal separation of the civil union.

911 Sec. 32. Section 46b-1 of the general statutes is repealed and the
912 following is substituted in lieu thereof (*Effective July 1, 2012*):

913 Matters within the jurisdiction of the Superior Court deemed to be
914 family relations matters shall be matters affecting or involving: (1)
915 Dissolution of marriage, contested and uncontested, except dissolution
916 upon conviction of crime as provided in section 46b-47; (2) legal
917 separation; (3) annulment of marriage; (4) alimony, support, custody
918 and change of name incident to dissolution of marriage, legal

919 separation and annulment; (5) actions brought under section 46b-15;
920 (6) complaints for change of name; (7) civil support obligations; (8)
921 habeas corpus and other proceedings to determine the custody and
922 visitation of children; (9) habeas corpus brought by or on behalf of any
923 mentally ill person except a person charged with a criminal offense;
924 (10) appointment of a commission to inquire whether a person is
925 wrongfully confined as provided by section 17a-523; (11) juvenile
926 matters as provided in section 46b-121; (12) all rights and remedies
927 provided for in chapter 815j; (13) the establishing of paternity; (14)
928 appeals from probate concerning: (A) Adoption or termination of
929 parental rights; (B) appointment and removal of guardians; (C)
930 custody of a minor child; (D) appointment and removal of
931 conservators; (E) orders for custody of any child; and (F) orders of
932 commitment of persons to public and private institutions and to other
933 appropriate facilities as provided by statute; (15) actions related to
934 prenuptial and separation agreements and to matrimonial and civil
935 union decrees of a foreign jurisdiction; (16) custody proceeding
936 brought under the provisions of chapter 815p; and (17) all such other
937 matters within the jurisdiction of the Superior Court concerning
938 children or family relations as may be determined by the judges of said
939 court.

940 Sec. 33. Section 54-108e of the 2012 supplement to the general
941 statutes is repealed and the following is substituted in lieu thereof
942 (*Effective October 1, 2012*):

943 (a) Probation officers shall provide intensive pretrial supervision
944 services, in accordance with guidelines developed by the Court
945 Support Services Division, whenever ordered to do so by the court.

946 (b) Probation officers shall complete alternative sentencing plans, in
947 accordance with guidelines developed by the Court Support Services
948 Division, for persons who have entered into a stated plea agreement
949 that includes a term of imprisonment of two years or less, whenever
950 ordered to do so by the court.

951 (c) Probation officers may evaluate persons sentenced to a term of
952 imprisonment of two years or less who have been confined under such
953 sentence for at least ninety days and have complied with institutional
954 rules and necessary treatment programs of the Department of
955 Correction, and may develop a community release plan for such
956 persons in accordance with guidelines developed by the Court Support
957 Services Division. If a probation officer develops a community release
958 plan, the probation officer shall apply for a sentence modification
959 hearing under section 53a-39.

960 (d) Information contained in an alternative sentencing plan or a
961 community release plan shall be available only to: (1) Employees of the
962 Judicial Branch who in the performance of their duties require access
963 to the information contained in such plan; (2) employees and
964 authorized agents of state or federal agencies involved in the design
965 and delivery of treatment services to the person who is the subject of
966 such plan; (3) employees of state or community-based agencies
967 providing services directly to the person who is the subject of such
968 plan; and (4) an attorney representing the person who is the subject of
969 such plan in any proceeding in which such plan is relevant.

970 Sec. 34. Subsection (d) of section 46b-124 of the 2012 supplement to
971 the general statutes is repealed and the following is substituted in lieu
972 thereof (*Effective October 1, 2012*):

973 (d) Records of cases of juvenile matters involving delinquency
974 proceedings shall be available to (1) Judicial Branch employees who, in
975 the performance of their duties, require access to such records, and (2)
976 employees and authorized agents of state or federal agencies involved
977 in (A) the delinquency proceedings, (B) the provision of services
978 directly to the child, [or] (C) the design and delivery of treatment
979 programs pursuant to section 46b-121j, or (D) the delivery of court
980 diversionary programs. Such employees and authorized agents
981 include, but are not limited to, law enforcement officials, community-
982 based youth service bureau officials, state and federal prosecutorial
983 officials, school officials in accordance with section 10-233h, court

984 officials including officials of both the regular criminal docket and the
985 docket for juvenile matters and officials of the Division of Criminal
986 Justice, the Division of Public Defender Services, the Department of
987 Children and Families, the Court Support Services Division and
988 agencies under contract with the Judicial Branch. Such records shall
989 also be available to (i) the attorney representing the child, including
990 the Division of Public Defender Services, in any proceeding in which
991 such records are relevant, (ii) the parents or guardian of the child, until
992 such time as the subject of the record reaches the age of majority, (iii)
993 the subject of the record, upon submission of satisfactory proof of the
994 subject's identity, pursuant to guidelines prescribed by the Office of
995 the Chief Court Administrator, provided the subject has reached the
996 age of majority, (iv) law enforcement officials and prosecutorial
997 officials conducting legitimate criminal investigations, (v) a state or
998 federal agency providing services related to the collection of moneys
999 due or funding to support the service needs of eligible juveniles,
1000 provided such disclosure shall be limited to that information necessary
1001 for the collection of and application for such moneys, and (vi)
1002 members and employees of the Board of Pardons and Paroles and
1003 employees of the Department of Correction who, in the performance of
1004 their duties, require access to such records, provided the subject of the
1005 record has been convicted of a crime in the regular criminal docket of
1006 the Superior Court and such records are relevant to the performance of
1007 a risk and needs assessment of such person while such person is
1008 incarcerated, the determination of such person's suitability for release
1009 from incarceration or for a pardon, or the determination of the
1010 supervision and treatment needs of such person while on parole or
1011 other supervised release. Records disclosed pursuant to this subsection
1012 shall not be further disclosed, except that information contained in
1013 such records may be disclosed in connection with bail or sentencing
1014 reports in open court during criminal proceedings involving the
1015 subject of such information.

1016 Sec. 35. Subsection (a) of section 54-63b of the general statutes is
1017 repealed and the following is substituted in lieu thereof (*Effective*

1018 *October 1, 2012*):

1019 (a) The duties of the Court Support Services Division shall include:
1020 (1) To promptly interview, prior to arraignment, any person referred
1021 by the police pursuant to section 54-63c, as amended by this act, or by
1022 a judge. Such interview shall include, but not be limited to,
1023 information concerning the accused person, his or her family,
1024 community ties, prior criminal record and physical and mental
1025 condition. Any interview of a person held at a police station may be
1026 conducted by videoconference; (2) to seek independent verification of
1027 information obtained during the interview, if practicable; (3) to
1028 determine, as provided in section 54-63d, as amended by this act, or to
1029 make recommendations on request of any judge, concerning the terms
1030 and conditions of the release of arrested persons from custody pending
1031 final disposition of their cases; (4) to prepare a written report on all
1032 persons interviewed and, upon request and pursuant to the
1033 procedures established under subsection (f) of section 54-63d, as
1034 amended by this act, provide copies of the report to the court, defense
1035 counsel and state's attorney. Such report shall contain the information
1036 obtained during the interview and verification process, the person's
1037 prior criminal record, where possible, and the determination or
1038 recommendation of the commissioner pursuant to section 54-63d, as
1039 amended by this act, concerning the terms and conditions of the
1040 release of the persons so interviewed; (5) to give prior notice of each
1041 required court appearance to each person released following an
1042 interview by a bail commissioner or an intake, assessment and referral
1043 specialist employed by the Judicial Branch; (6) to supervise pursuant to
1044 the direction of the court those persons released on nonfinancial
1045 conditions; (7) to inform the court and the state's attorney of any
1046 failure to comply with terms and conditions of release, including the
1047 arrest of persons released under its supervision; (8) to monitor,
1048 evaluate and provide information concerning terms and conditions of
1049 release and the release criteria established under subdivision (2) of
1050 subsection (c) of this section, to prepare periodic reports on its
1051 activities, and to provide such other information as is needed to assist

1052 in the improvement of the pretrial release process; (9) to perform such
1053 other functions as the Chief Court Administrator may, from time to
1054 time, assign.

1055 Sec. 36. Section 54-63c of the general statutes is repealed and the
1056 following is substituted in lieu thereof (*Effective October 1, 2012*):

1057 (a) Except in cases of arrest pursuant to a bench warrant of arrest in
1058 which the court or a judge thereof has indicated that bail should be
1059 denied or ordered that the officer or indifferent person making such
1060 arrest shall, without undue delay, bring such person before the clerk or
1061 assistant clerk of the superior court for the geographical area under
1062 section 54-2a, when any person is arrested for a bailable offense, the
1063 chief of police, or the chief's authorized designee, of the police
1064 department having custody of the arrested person shall promptly
1065 advise such person of the person's rights under section 54-1b, and of
1066 the person's right to be interviewed concerning the terms and
1067 conditions of release. Unless the arrested person waives or refuses
1068 such interview, the police officer shall promptly interview the arrested
1069 person to obtain information relevant to the terms and conditions of
1070 the person's release from custody, and shall seek independent
1071 verification of such information where necessary. At the request of the
1072 arrested person, the person's counsel may be present during the
1073 interview. No statement made by the arrested person in response to
1074 any question during the interview related to the terms and conditions
1075 of release shall be admissible as evidence against the arrested person in
1076 any proceeding arising from the incident for which the conditions of
1077 release were set. After such a waiver, refusal or interview, the police
1078 officer shall promptly order release of the arrested person upon the
1079 execution of a written promise to appear or the posting of such bond as
1080 may be set by the police officer, except that no condition of release set
1081 by the court or a judge thereof may be modified by such officer and no
1082 person shall be released upon the execution of a written promise to
1083 appear or the posting of a bond without surety if the person is charged
1084 with the commission of a family violence crime, as defined in section
1085 46b-38a, and in the commission of such crime the person used or

1086 threatened the use of a firearm.

1087 (b) If the person is charged with the commission of a family violence
1088 crime, as defined in section 46b-38a, and the police officer does not
1089 intend to impose nonfinancial conditions of release pursuant to this
1090 subsection, the police officer shall, pursuant to the procedure set forth
1091 in subsection (a) of this section, promptly order the release of such
1092 person upon the execution of a written promise to appear or the
1093 posting of such bond as may be set by the police officer. If such person
1094 is not so released, the police officer shall make reasonable efforts to
1095 immediately contact a bail commissioner or an intake, assessment and
1096 referral specialist employed by the Judicial Branch to set the conditions
1097 of such person's release pursuant to section 54-63d, as amended by this
1098 act. If, after making such reasonable efforts, the police officer is unable
1099 to contact a bail commissioner or an intake, assessment and referral
1100 specialist or contacts a bail commissioner or an intake, assessment and
1101 referral specialist but such bail commissioner or intake, assessment
1102 and referral specialist is unavailable to promptly perform such bail
1103 commissioner's or intake, assessment and referral specialist's duties
1104 pursuant to section 54-63d, as amended by this act, the police officer
1105 shall, pursuant to the procedure set forth in subsection (a) of this
1106 section, order the release of such person upon the execution of a
1107 written promise to appear or the posting of such bond as may be set by
1108 the police officer and may impose nonfinancial conditions of release
1109 which may require that the arrested person do one or more of the
1110 following: (1) Avoid all contact with the alleged victim of the crime, (2)
1111 comply with specified restrictions on the person's travel, association or
1112 place of abode that are directly related to the protection of the alleged
1113 victim of the crime, or (3) not use or possess a dangerous weapon,
1114 intoxicant or controlled substance. Any such nonfinancial conditions of
1115 release shall be indicated on a form prescribed by the Judicial Branch
1116 and sworn to by the police officer. Such form shall articulate (A) the
1117 efforts that were made to contact a bail commissioner or an intake,
1118 assessment and referral specialist, (B) the specific factual basis relied
1119 upon by the police officer to impose the nonfinancial conditions of

1120 release, and (C) if the arrested person was non-English-speaking, that
1121 the services of a translation service or interpreter were used. A copy of
1122 that portion of the form that indicates the nonfinancial conditions of
1123 release shall immediately be provided to the arrested person. A copy
1124 of the entire form shall be provided to counsel for the arrested person
1125 at arraignment. Any nonfinancial conditions of release imposed
1126 pursuant to this subsection shall remain in effect until the arrested
1127 person is presented before the Superior Court pursuant to subsection
1128 (a) of section 54-1g. On such date, the court shall conduct a hearing
1129 pursuant to section 46b-38c at which the defendant is entitled to be
1130 heard with respect to the issuance of a protective order.

1131 (c) When cash bail in excess of ten thousand dollars is received for a
1132 detained person accused of a felony, where the underlying facts and
1133 circumstances of the felony involve the use, attempted use or
1134 threatened use of physical force against another person, the police
1135 officer shall prepare a report that contains (1) the name, address and
1136 taxpayer identification number of the accused person, (2) the name,
1137 address and taxpayer identification number of each person offering the
1138 cash bail, other than a person licensed as a professional bondsman
1139 under chapter 533 or a surety bail bond agent under chapter 700f, (3)
1140 the amount of cash received, and (4) the date the cash was received.
1141 Not later than fifteen days after receipt of such cash bail, the police
1142 officer shall file the report with the Department of Revenue Services
1143 and mail a copy of the report to the state's attorney for the judicial
1144 district in which the alleged offense was committed and to each person
1145 offering the cash bail.

1146 (d) No police officer shall set the terms and conditions of a person's
1147 release, set a bond for a person or release a person from custody under
1148 this section unless the police officer has first checked the National
1149 Crime Information Center (NCIC) computerized index of criminal
1150 justice information to determine if such person is listed in such index.

1151 (e) If the arrested person has not posted bail, the police officer shall
1152 immediately notify a bail commissioner or an intake, assessment and

1153 referral specialist.

1154 (f) The chief, acting chief, superintendent of police, the
1155 Commissioner of Emergency Services and Public Protection, any
1156 captain or lieutenant of any local police department or the Division of
1157 State Police within the Department of Emergency Services and Public
1158 Protection or any person lawfully exercising the powers of any such
1159 officer may take a written promise to appear or a bond with or without
1160 surety from an arrested person as provided in subsection (a) of this
1161 section, or as fixed by the court or any judge thereof, may administer
1162 such oaths as are necessary in the taking of promises or bonds and
1163 shall file any report required under subsection (c) of this section.

1164 Sec. 37. Section 54-63d of the general statutes is repealed and the
1165 following is substituted in lieu thereof (*Effective October 1, 2012*):

1166 (a) Upon notification by a police officer pursuant to section 54-63c,
1167 as amended by this act, that an arrested person has not posted bail, a
1168 bail commissioner or an intake, assessment and referral specialist
1169 employed by the Judicial Branch shall promptly conduct an interview
1170 and investigation as specified in subdivisions (1) and (2) of subsection
1171 (a) of section 54-63b, as amended by this act, and, based upon the
1172 criteria established pursuant to subsection (b) of section 54-63b, as
1173 amended by this act, and except as provided in subsection (b) of this
1174 section, the bail commissioner or intake, assessment and referral
1175 specialist shall promptly order release of such person on the first of the
1176 following conditions of release found sufficient to provide reasonable
1177 assurance of the person's appearance in court: (1) Upon the execution
1178 of a written promise to appear without special conditions; (2) upon the
1179 execution of a written promise to appear with any of the nonfinancial
1180 conditions as specified in subsection (c) of this section; (3) upon the
1181 execution of a bond without surety in no greater amount than
1182 necessary; or (4) upon the execution of a bond with surety in no greater
1183 amount than necessary. If the person is unable to meet the conditions
1184 of release ordered by the bail commissioner or intake, assessment and
1185 referral specialist, the bail commissioner or intake, assessment and

1186 referral specialist shall so inform the court in a report prepared
1187 pursuant to subdivision (4) of subsection (a) of section 54-63b, as
1188 amended by this act.

1189 (b) No person shall be released upon the execution of a written
1190 promise to appear or the execution of a bond without surety if the
1191 person is charged with the commission of a family violence crime, as
1192 defined in section 46b-38a, and in the commission of such crime the
1193 person used or threatened the use of a firearm.

1194 (c) In addition to or in conjunction with any of the conditions
1195 enumerated in subdivisions (1) to (4), inclusive, of subsection (a) of this
1196 section, the bail commissioner or intake, assessment and referral
1197 specialist may impose nonfinancial conditions of release, which may
1198 require that the arrested person do any of the following: (1) Remain
1199 under the supervision of a designated person or organization; (2)
1200 comply with specified restrictions on the person's travel, association or
1201 place of abode; (3) not engage in specified activities, including the use
1202 or possession of a dangerous weapon, an intoxicant or controlled
1203 substance; (4) avoid all contact with an alleged victim of the crime and
1204 with a potential witness who may testify concerning the offense; or (5)
1205 satisfy any other condition that is reasonably necessary to assure the
1206 appearance of the person in court. Any of the conditions imposed
1207 under subsection (a) of this section and this subsection by the bail
1208 commissioner or intake, assessment and referral specialist shall be
1209 effective until the appearance of such person in court.

1210 (d) The police department shall promptly comply with the order of
1211 release of the bail commissioner or intake, assessment and referral
1212 specialist, except that if the department objects to the order or any of
1213 its conditions, the department shall promptly so advise a state's
1214 attorney or assistant state's attorney, the bail commissioner or intake,
1215 assessment and referral specialist and the arrested person. The state's
1216 attorney or assistant state's attorney may authorize the police
1217 department to delay release, until a hearing can be had before the
1218 court then sitting for the geographical area which includes the

1219 municipality in which the arrested person is being detained or, if the
1220 court is not then sitting, until the next sitting of said court. When cash
1221 bail in excess of ten thousand dollars is received for a detained person
1222 accused of a felony, where the underlying facts and circumstances of
1223 the felony involve the use, attempted use or threatened use of physical
1224 force against another person, the police department shall prepare a
1225 report that contains (1) the name, address and taxpayer identification
1226 number of the accused person, (2) the name, address and taxpayer
1227 identification number of each person offering the cash bail, other than
1228 a person licensed as a professional bondsman under chapter 533 or a
1229 surety bail bond agent under chapter 700f, (3) the amount of cash
1230 received, and (4) the date the cash was received. Not later than fifteen
1231 days after receipt of such cash bail, the police department shall file the
1232 report with the Department of Revenue Services and mail a copy of the
1233 report to the state's attorney for the judicial district in which the
1234 alleged offense was committed and to each person offering the cash
1235 bail.

1236 (e) Except as provided in subsections (f) and (g) of this section, all
1237 information provided to the Court Support Services Division shall be
1238 for the sole purpose of determining and recommending the conditions
1239 of release, and shall otherwise be confidential and retained in the files
1240 of the Court Support Services Division, and not be subject to subpoena
1241 or other court process for use in any other proceeding or for any other
1242 purpose.

1243 (f) The Court Support Services Division shall establish written
1244 procedures for the release of information contained in reports and files
1245 of the Court Support Services Division, such procedures to be
1246 approved by the executive committee of the judges of the Superior
1247 Court. Such procedures shall allow access to (1) nonidentifying
1248 information by qualified persons for purposes of research related to
1249 the administration of criminal justice; (2) all information provided to
1250 the Court Support Services Division by probation officers for the
1251 purposes of compiling presentence reports; and (3) all information
1252 provided to the Court Support Services Division concerning any

1253 person convicted of a crime and held in custody by the Department of
1254 Correction.

1255 (g) Any files and reports held by the Court Support Services
1256 Division may be accessed and disclosed by employees of the division
1257 in accordance with policies and procedures adopted by the Chief
1258 Court Administrator.

1259 Sec. 38. Subsection (c) of section 54-64a of the general statutes is
1260 repealed and the following is substituted in lieu thereof (*Effective*
1261 *October 1, 2012*):

1262 (c) If the court determines that a nonfinancial condition of release
1263 should be imposed pursuant to subparagraph (B) of subdivision (1) of
1264 subsection (a) or (b) of this section, the court shall order the pretrial
1265 release of the person subject to the least restrictive condition or
1266 combination of conditions that the court determines will reasonably
1267 assure the appearance of the arrested person in court and, with respect
1268 to the release of the person pursuant to subsection (b) of this section,
1269 that the safety of any other person will not be endangered, which
1270 conditions may include an order that the arrested person do one or
1271 more of the following: (1) Remain under the supervision of a
1272 designated person or organization; (2) comply with specified
1273 restrictions on such person's travel, association or place of abode; (3)
1274 not engage in specified activities, including the use or possession of a
1275 dangerous weapon, an intoxicant or a controlled substance; (4) provide
1276 sureties of the peace pursuant to section 54-56f under supervision of a
1277 designated bail commissioner or intake, assessment and referral
1278 specialist employed by the Judicial Branch; (5) avoid all contact with
1279 an alleged victim of the crime and with a potential witness who may
1280 testify concerning the offense; (6) maintain employment or, if
1281 unemployed, actively seek employment; (7) maintain or commence an
1282 educational program; (8) be subject to electronic monitoring; or (9)
1283 satisfy any other condition that is reasonably necessary to assure the
1284 appearance of the person in court and that the safety of any other
1285 person will not be endangered. The court shall state on the record its

1286 reasons for imposing any such nonfinancial condition.

1287 Sec. 39. Section 54-69 of the general statutes is repealed and the
1288 following is substituted in lieu thereof (*Effective October 1, 2012*):

1289 (a) Whenever in any criminal prosecution the state's attorney for
1290 any judicial district or the assistant state's attorney is of the opinion
1291 that the bond without or with surety given by any accused person is
1292 excessive or insufficient in amount or security, or that the written
1293 promise of such person to appear is inadequate, or whenever any
1294 accused person alleges that the amount or security of the bond given
1295 by such accused person is excessive, such state's attorney or assistant
1296 state's attorney or the accused person may bring an application to the
1297 court in which the prosecution is pending or to any judge thereof,
1298 alleging such excess, insufficiency, or inadequacy, and, after notice as
1299 hereinafter provided and hearing, such judge shall in bailable offenses
1300 continue, modify or set conditions of release upon the first of the
1301 following conditions of release found sufficient to provide reasonable
1302 assurance of the appearance of the accused in court: (1) Upon such
1303 person's execution of a written promise to appear, (2) upon such
1304 person's execution of a bond without surety in no greater amount than
1305 necessary, (3) upon such person's execution of a bond with surety in no
1306 greater amount than necessary.

1307 (b) No hearing upon any such application shall be had until a copy
1308 of such application, together with a notice of the time and place of
1309 hearing thereon, has been served upon the surety or sureties upon
1310 such bond, if any, and upon the appropriate bail commissioner or
1311 intake, assessment and referral specialist employed by the Judicial
1312 Branch and, in the case of an application by an accused person, upon
1313 any such state's attorney, or, in the case of the application by any such
1314 state's attorney, upon the accused person.

1315 (c) Notwithstanding the provisions of subsection (b) of this section,
1316 a hearing may be had on an application by any such state's attorney
1317 without a copy of such application and notice of the hearing being

1318 served upon the surety or sureties upon such bond, if any, the
1319 appropriate bail commissioner or intake, assessment and referral
1320 specialist and the accused person if the accused person is charged with
1321 the commission of a family violence crime, as defined in section 46b-
1322 38a, or a violation of section 53a-181c, 53a-181d, 53a-181e, 53a-223 or
1323 53a-223b and is being presented at the next sitting of the Superior
1324 Court as required by section 54-1g.

1325 Sec. 40. Section 54-69a of the general statutes is repealed and the
1326 following is substituted in lieu thereof (*Effective October 1, 2012*):

1327 A bail commissioner or an intake, assessment and referral specialist
1328 employed by the Judicial Branch who has reason to believe that a
1329 person released under any of the provisions of sections 54-63a to 54-
1330 63g, inclusive, 54-64a, as amended by this act, 54-64b and 54-69, as
1331 amended by this act, intends not to appear in court as required by the
1332 conditions of release may apply to a judge of the court before which
1333 the person is required to appear, and verify by oath or otherwise the
1334 reason for his or her belief, and request that the person be brought
1335 before the court in order that the conditions of [his] such person's
1336 release be reviewed. Upon finding reasonable grounds that the
1337 released person intends not to appear, the judge shall forthwith issue a
1338 capias directed to a proper officer or indifferent person, commanding
1339 [him] such proper officer or indifferent person forthwith to arrest and
1340 bring the person to the court for a hearing to review the conditions of
1341 release. Such hearing shall be upon due notice as provided in section
1342 54-69, as amended by this act.

1343 Sec. 41. Section 54-71a of the general statutes is repealed and the
1344 following is substituted in lieu thereof (*Effective October 1, 2012*):

1345 No bail commissioner or intake, assessment and referral specialist
1346 employed by the Judicial Branch, no employee of any police
1347 department, no state's attorney or assistant state's attorney and no
1348 municipality may be held liable in a civil action for damages on
1349 account of the release of any person under any of the provisions of

1350 sections 54-63a to 54-63g, inclusive, 54-64a, as amended by this act, 54-
1351 64b and 54-69, as amended by this act.

1352 Sec. 42. Subsection (c) of section 46b-38c of the 2012 supplement to
1353 the general statutes is repealed and the following is substituted in lieu
1354 thereof (*Effective October 1, 2012*):

1355 (c) Each such local family violence intervention unit shall: (1) Accept
1356 referrals of family violence cases from a judge or prosecutor, (2)
1357 prepare written or oral reports on each case for the court by the next
1358 court date to be presented at any time during the court session on that
1359 date, (3) provide or arrange for services to victims and offenders, (4)
1360 administer contracts to carry out such services, and (5) establish
1361 centralized reporting procedures. All information provided to a family
1362 relations counselor, family relations counselor trainee or family
1363 services supervisor employed by the Judicial Department in a local
1364 family violence intervention unit shall be used solely for the purposes
1365 of preparation of the report and the protective order forms for each
1366 case and recommendation of services and shall otherwise be
1367 confidential and retained in the files of such unit and not be subject to
1368 subpoena or other court process for use in any other proceeding or for
1369 any other purpose, except that a family relations counselor, family
1370 relations counselor trainee or family services supervisor employed by
1371 the Judicial Department:

1372 (A) Shall disclose to the court and the prosecuting authority for
1373 appropriate action information that the victim has indicated that the
1374 defendant holds a permit to carry a pistol or revolver or possesses one
1375 or more firearms;

1376 (B) Shall disclose to an employee of the Department of Children and
1377 Families information that indicates that a defendant poses a danger or
1378 threat to a child or a custodial parent of the child;

1379 (C) May disclose to another family relations counselor, family
1380 relations counselor trainee or family services supervisor information
1381 pursuant to guidelines adopted by the Chief Court Administrator;

1382 (D) May disclose to a bail commissioner or an intake, assessment
1383 and referral specialist employed by the Judicial Department
1384 information regarding a defendant who is on or is being considered for
1385 pretrial release;

1386 (E) May disclose to a law enforcement agency information that
1387 indicates that a defendant poses a danger or threat to another person;

1388 (F) May disclose, after disposition of a family violence case, to a
1389 probation officer or a juvenile probation officer, for purposes of
1390 determining service needs and supervision levels, information
1391 regarding a defendant who has been convicted and sentenced to a
1392 period of probation in the family violence case;

1393 (G) May disclose, after a conviction in a family violence case, to a
1394 probation officer for the purpose of preparing a presentence
1395 investigation report, any information regarding the defendant that has
1396 been provided to the family relations counselor, family relations
1397 counselor trainee or family services supervisor in the case or in any
1398 other case that resulted in the conviction of the defendant;

1399 (H) May disclose to any organization under contract with the
1400 Judicial Department to provide family violence programs and services,
1401 for the purpose of determining program and service needs,
1402 information regarding any defendant who is a client of such
1403 organization, provided no information that personally identifies the
1404 victim may be disclosed to such organization; and

1405 (I) Shall disclose such information as may be necessary to fulfill
1406 such counselor's, trainee's or supervisor's duty as a mandated reporter
1407 under section 17a-101a to report suspected child abuse or neglect.

1408 Sec. 43. Section 1-24 of the 2012 supplement to the general statutes is
1409 repealed and the following is substituted in lieu thereof (*Effective*
1410 *October 1, 2012*):

1411 The following officers may administer oaths: (1) The clerks of the

1412 Senate, the clerks of the House of Representatives and the chairpersons
1413 of committees of the General Assembly or of either branch thereof,
1414 during its session; (2) state officers, as defined in subsection (t) of
1415 section 9-1, judges and clerks of any court, family support magistrates,
1416 judge trial referees, justices of the peace, commissioners of the Superior
1417 Court, notaries public, town clerks and assistant town clerks, in all
1418 cases where an oath may be administered, except in a case where the
1419 law otherwise requires; (3) commissioners on insolvent estates,
1420 auditors, arbitrators and committees, to parties and witnesses, in all
1421 cases tried before them; (4) assessors and boards of assessment
1422 appeals, in cases coming before them; (5) commissioners appointed by
1423 governors of other states to take the acknowledgment of deeds, in the
1424 discharge of their official duty; (6) the moderator of a school district
1425 meeting, in such meeting, to the clerk of such district, as required by
1426 law; (7) the first selectman, in any matter before the board of
1427 selectmen; (8) the Chief Medical Examiner, Deputy Medical Examiner
1428 and assistant medical examiners of the Office of the Medical Examiner,
1429 in any matter before them; (9) registrars of vital statistics, in any matter
1430 before them; (10) any chief inspector or inspector appointed pursuant
1431 to section 51-286; (11) registrars of voters, deputy registrars, assistant
1432 registrars, and moderators, in any matter before them; (12) special
1433 assistant registrars, in matters provided for in subsections (b) and (c) of
1434 section 9-19b and section 9-19c; (13) the Commissioner of Emergency
1435 Services and Public Protection and any sworn member of any local
1436 police department or the Division of State Police within the
1437 Department of Emergency Services and Public Protection, in all
1438 affidavits, statements, depositions, complaints or reports made to or by
1439 any member of any local police department or said Division of State
1440 Police or any constable who is under the supervision of said
1441 commissioner or any of such officers of said Division of State Police
1442 and who is certified under the provisions of sections 7-294a to 7-294e,
1443 inclusive, and performs criminal law enforcement duties; (14) judge
1444 advocates of the United States Army, Navy, Air Force and Marine
1445 Corps, law specialists of the United States Coast Guard, adjutants,
1446 assistant adjutants, acting adjutants and personnel adjutants,

1447 commanding officers, executive officers and officers whose rank is
1448 lieutenant commander or major, or above, of the armed forces, as
1449 defined in section 27-103, to persons serving with or in the armed
1450 forces, as defined in said section, or their spouses; (15) investigators,
1451 deputy investigators, investigative aides, secretaries, clerical assistants,
1452 social workers, social worker trainees, paralegals and certified legal
1453 interns employed by or assigned to the Public Defender Services
1454 Commission in the performance of their assigned duties; (16) bail
1455 commissioners and intake, assessment and referral specialists
1456 employed by the Judicial Department in the performance of their
1457 assigned duties; (17) juvenile matter investigators employed by the
1458 Division of Criminal Justice in the performance of their assigned
1459 duties; (18) the chairperson of the Connecticut Siting Council or the
1460 chairperson's designee; (19) the presiding officer at an agency hearing
1461 under section 4-177b; (20) family relations counselors employed by the
1462 Judicial Department and support enforcement officers and
1463 investigators employed by the Department of Social Services Bureau of
1464 Child Support Enforcement and the Judicial Department, in the
1465 performance of their assigned duties; (21) the chairperson, vice-
1466 chairperson, members and employees of the Board of Pardons and
1467 Paroles, in the performance of their assigned duties; (22) the
1468 Commissioner of Correction or the commissioner's designee; and (23)
1469 sworn law enforcement officers, appointed under section 26-5, within
1470 the Department of Energy and Environmental Protection, in all
1471 affidavits, statements, depositions, complaints or reports made to or by
1472 any such sworn law enforcement officer.

1473 Sec. 44. Section 52-64 of the general statutes is repealed and the
1474 following is substituted in lieu thereof (*Effective October 1, 2012*):

1475 (a) Service of civil process in any civil action or proceeding
1476 maintainable against or in any appeal authorized from the actions of,
1477 or service of any foreign attachment or garnishment authorized
1478 against, the state or against any institution, board, commission,
1479 department or administrative tribunal thereof, or against any officer,
1480 servant, agent or employee of the state or of any such institution,

1481 board, commission, department or administrative tribunal, as [such]
1482 the case may be, may be made by a proper officer (1) leaving a true
1483 and attested copy of the process, including the declaration or
1484 complaint, with the Attorney General at the [Attorney General's] office
1485 of the Attorney General in Hartford, or (2) sending a true and attested
1486 copy of the process, including the summons and complaint, by
1487 certified mail, return receipt requested, to the Attorney General at the
1488 [Attorney General's] office of the Attorney General in Hartford.

1489 (b) In any civil action commenced by a person who is incarcerated
1490 against the state or any institution, board, commission, department or
1491 administrative tribunal thereof, or against any officer, servant, agent or
1492 employee of the state or of any such institution, board, commission,
1493 department or administrative tribunal, as the case may be, service of
1494 process on all defendants in such civil action, who are sued in their
1495 official capacity, shall be accomplished by a proper officer (1) leaving
1496 one true and attested copy of the process, including the declaration or
1497 complaint, with the Attorney General at the office of the Attorney
1498 General in Hartford, or (2) sending one true and attested copy of the
1499 process, including the summons and complaint, by certified mail,
1500 return receipt requested, to the Attorney General at the office of the
1501 Attorney General in Hartford.

1502 Sec. 45. Subsection (a) of section 52-259b of the general statutes is
1503 repealed and the following is substituted in lieu thereof (*Effective*
1504 *October 1, 2012*):

1505 (a) In any civil or criminal matter, if the court finds that a party is
1506 indigent and unable to pay a fee or fees payable to the court or to pay
1507 the cost of service of process and that the matter is not frivolous, the
1508 court shall waive such fee or fees and the cost of service of process
1509 shall be paid by the state.

1510 Sec. 46. Subsection (c) of section 19a-112f of the general statutes is
1511 repealed and the following is substituted in lieu thereof (*Effective from*
1512 *passage*):

1513 (c) The Sexual Assault Forensic Examiners Advisory Committee
1514 shall terminate on June 30, [2012] 2013.

1515 Sec. 47. Sections 51-75 and 52-92 of the general statutes are repealed.
1516 (*Effective October 1, 2012*)

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2012</i>	2-40a
Sec. 2	<i>October 1, 2012</i>	6-32d(c)
Sec. 3	<i>October 1, 2012</i>	14-296aa(j)
Sec. 4	<i>October 1, 2012</i>	47a-23a(a)
Sec. 5	<i>October 1, 2012</i>	47a-26h(c)
Sec. 6	<i>October 1, 2012</i>	51-53
Sec. 7	<i>October 1, 2012</i>	51-94a
Sec. 8	<i>October 1, 2012</i>	51-164n
Sec. 9	<i>October 1, 2012</i>	51-181c(a)
Sec. 10	<i>October 1, 2012</i>	4b-55(j)
Sec. 11	<i>July 1, 2012</i>	51-197f
Sec. 12	<i>July 1, 2012</i>	51-198
Sec. 13	<i>July 1, 2012</i>	51-201
Sec. 14	<i>July 1, 2012</i>	51-207
Sec. 15	<i>October 1, 2012</i>	51-222a(a)
Sec. 16	<i>October 1, 2012</i>	51-243(d) and (e)
Sec. 17	<i>October 1, 2012</i>	52-72
Sec. 18	<i>October 1, 2012</i>	53a-29
Sec. 19	<i>October 1, 2012</i>	53a-217(a)
Sec. 20	<i>October 1, 2012</i>	54-102g
Sec. 21	<i>October 1, 2012</i>	New section
Sec. 22	<i>October 1, 2012</i>	54-66a
Sec. 23	<i>October 1, 2012</i>	54-142a(c)
Sec. 24	<i>October 1, 2012</i>	54-143b
Sec. 25	<i>October 1, 2012</i>	54-203
Sec. 26	<i>October 1, 2012</i>	54-209
Sec. 27	<i>October 1, 2012</i>	54-210(a)
Sec. 28	<i>October 1, 2012</i>	54-211(d) and (e)
Sec. 29	<i>October 1, 2012</i>	54-212(b)
Sec. 30	<i>October 1, 2012</i>	19a-112f(b)
Sec. 31	<i>July 1, 2012</i>	New section

Sec. 32	<i>July 1, 2012</i>	46b-1
Sec. 33	<i>October 1, 2012</i>	54-108e
Sec. 34	<i>October 1, 2012</i>	46b-124(d)
Sec. 35	<i>October 1, 2012</i>	54-63b(a)
Sec. 36	<i>October 1, 2012</i>	54-63c
Sec. 37	<i>October 1, 2012</i>	54-63d
Sec. 38	<i>October 1, 2012</i>	54-64a(c)
Sec. 39	<i>October 1, 2012</i>	54-69
Sec. 40	<i>October 1, 2012</i>	54-69a
Sec. 41	<i>October 1, 2012</i>	54-71a
Sec. 42	<i>October 1, 2012</i>	46b-38c(c)
Sec. 43	<i>October 1, 2012</i>	1-24
Sec. 44	<i>October 1, 2012</i>	52-64
Sec. 45	<i>October 1, 2012</i>	52-259b(a)
Sec. 46	<i>from passage</i>	19a-112f(c)
Sec. 47	<i>October 1, 2012</i>	Repealer section

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 13 \$	FY 14 \$
Judicial Dept.	GF - Savings	120,000	120,000
Judicial Dept.	CICF - Cost	72,500	72,500
Judicial Dept.	CICF - Savings	30,000	30,000
Judicial Dept.	GF - Potential Revenue Gain	See Below	See Below

Note: GF=General Fund; CICF=Criminal Injuries Compensation Fund

Municipal Impact: None

Explanation

The bill makes various revisions to statutes concerning the Judicial Department court operations and the Office of Victim Services, with fiscal impacts as follows:

Section 7 provides for the electronic delivery of court notices, orders, decisions, executions or other documents by court clerks and will result in a savings to the Judicial Department of \$120,000.¹

Section 27 authorizes the Office of Victim Services (OVS) within the Judicial Department to compensate individuals who are victims of sexual assault or child abuse and have disclosed the information to certain individuals. To the extent that victims take advantage of this change, an estimated increased cost of \$50,000 to the Criminal Injuries Compensation Fund (CICF) will result in order to provide compensation to qualifying victims.² This estimate assumes about 30 victims will receive compensation as a result of this change.

¹ In 2011, the Judicial Department spent approximately \$650,000 in regular postage related to court operations and support enforcement.

Sections 28 and 29 remove the \$100 deductible that is required before a crime victim can receive compensation. To the extent that this increases the number of people who are eligible for victim compensation, an estimated increased cost of \$22,500 to the CICF will result in order to provide compensation to victims who have total losses of less than \$100. This estimate assumes 300 additional victims will receive compensation of \$100 or less.

Section 30 clarifies that the OVS is entitled to be reimbursed for compensation it has paid to victims who have received compensation for the same item from another source, regardless of the source. As this currently does not occur in many instances, the amount estimated to be recovered is less than \$30,000 as a result of this change.

Section 502 results in a potential revenue gain by adding language that would require parties found indigent to pay court fees and the cost of service if the matter is found to be frivolous. However it is uncertain if such parties would pay the fees since they have been found to be indigent and unable to pay for fees and services.

House "A" added language regarding indigent frivolous claims that results in a potential revenue gain and other clarifying changes that did not result in a fiscal impact.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

Sources: Core-CT Financial Accounting System

² In 2011, the OVS provided approximately \$1.2 million worth of criminal injury awards from the Criminal Injuries Compensation Fund.

OLR Bill Analysis**sHB 5365 (as amended by House "A")******AN ACT CONCERNING COURT OPERATIONS AND VICTIM SERVICES.*****SUMMARY:**

This bill makes numerous changes to court operations and victim services. It:

1. makes judge trial referee evaluations available to Judiciary Committee members before a hearing on a referee's nomination;
2. allows the Judicial Branch to enter into agreements with other agencies on a broader range of security matters;
3. makes changes regarding summary process and occupants of nonresidential property;
4. expands the courts' use of electronic documents and communications;
5. indemnifies attorneys appointed by the court to inventory the files of inactive, suspended, disbarred, or resigned attorneys in the same way as state employees;
6. specifies that someone who pleads not guilty to an infraction or certain violations can, at a court proceeding, agree with the prosecutor on the amount of the fine and pay it without appearing before a judicial authority;
7. alters the rules for constituting a Supreme Court panel and agreeing to hear an appeal from an Appellate Court decision;

8. requires the Department of Motor Vehicles (DMV) to give the jury administrator the latest updated file of people holding identity cards to use when compiling the master list for summoning jurors;
9. allows alternate jurors in civil trials to remain in service after deliberations begin;
10. specifies that motor vehicle violations punishable by a sentence of more than one year are considered unclassified felonies for certain purposes;
11. automatically terminates a defendant's bail bond when he or she is admitted to the supervised diversionary program for people with psychiatric disabilities, as for other diversionary programs;
12. requires a defendant to make a motion for a nolle 13 months after a prosecutor continues a case and there is no prosecution or disposition in order to have the records erased, instead of having them automatically qualify for erasure;
13. authorizes victim compensation when the Judicial Branch's Office of Victim Services (OVS) or a victim compensation commissioner reasonably concludes that (a) an alleged sexual assault crime or risk of injury to a minor occurred and (b) the personal injury was disclosed to certain individuals;
14. eliminates the \$100 deductible on the total amount of victim compensation determined for an injury (§§ 27-28);
15. expands OVS's lien for reimbursement of compensation paid to someone;
16. specifies that Connecticut courts can issue orders regarding civil unions performed in other jurisdictions;
17. limits access to information on certain plans developed by probation officers and expands access to juvenile delinquency

records;

18. allows Court Support Services Division (CSSD) personnel to use videoconferencing to interview defendants at police stations, when determining appropriate bail and conditions of release (§ 35);
19. extends to intake, assessment, and referral (IAR) specialists many of the duties, responsibilities, and protections given to bail commissioners;
20. requires the court to determine that a matter is not frivolous before it waives a court fee or the state pays service of process costs for an indigent party;
21. requires service only once on the Attorney General's Office for all defendants sued in their official capacity in an inmate's lawsuit against a state entity, employee, or official;
22. extends, from June 30, 2012 to June 30, 2013, the termination date for the Sexual Assault Forensic Examiners Advisory Committee, which advises OVS on a program to train sexual assault forensic examiners and make them available to sexual assault victims at participating hospitals (§ 46);
23. repeals judges' authority to appoint messengers and assistant messengers and set their compensation and assignments (§ 47); and
24. repeals obsolete provisions and makes technical and conforming changes.

*House Amendment "A" (1) deletes provisions of the original file that would have required DMV to suspend the license and registration of someone who does not pay certain fees and allowed use of Supreme Court senior judges and Appellate and Superior Court judges and senior judges on Supreme Court panels when the business of the court required it; (2) adds provisions on OVS training of IAR specialists,

service of process for suits by inmates, indigents and frivolous suits, and the Sexual Assault Forensic Examiners Advisory Committee; and (3) makes technical changes.

EFFECTIVE DATE: October 1, 2012; except the provisions (1) on judge trial referee evaluations, Supreme Court certification and panels, and civil unions from other jurisdictions, which are effective July 1, 2012 and (2) extending the Sexual Assault Forensic Examiners Advisory Committee's termination date, which is effective upon passage.

§ 1 — JUDGE TRIAL REFEREE EVALUATIONS

The bill requires the Judicial Branch to make performance evaluations of judge trial referees available to the Judiciary Committee's members before a public hearing on the referee's nomination. Committee members must use the information only for the purposes for which it was given and they cannot further disclose it. Existing law requires the branch to make judges' evaluations available under the same circumstance and conditions.

§ 2 — AGREEMENTS WITH AGENCIES RELATED TO SECURITY

The law allows the Judicial Branch to enter agreements with other state agencies for management, training, or coordination related to courthouse security. The bill also allows the branch to enter these agreements for other security matters.

§ 4 — SUMMARY PROCESS-NONRESIDENTIAL TENANT'S POSSESSIONS

When a lessee or occupant fails to leave after receiving the required summary process notice, an attorney must produce documents justifying the claim for immediate possession of the premises. If the claim involves nonresidential property, the bill requires, instead of allows, the documents to include a claim for the defendant's possessions and personal effects. The landlord must still follow existing law on disposing of a tenant's property.

§ 5 — SUMMARY PROCESS AGAINST A SINGLE NONRESIDENTIAL OCCUPANT DUE TO DRUG ACTIVITIES

The law allows a landlord to get a summary process judgment and enforce it against a single occupant, living with several others, who sells drugs (1) on the leased premises or (2) within 1,500 feet of the housing authority property within which he or she lives. The bill applies this to tenants of nonresidential property.

§ 6 — COMMUNICATIONS FROM COURTS

Under current law, a court clerk, including a probate court clerk, must notify counsel in writing of a court decision, order, decree, denial, or ruling unless the court made its ruling in the counsel's presence. The bill allows the written notice to be sent by mail or electronic means and requires notice to any appearing party as well.

The bill allows electronic communication by computer, fax, or other technology according to procedures and technical standards set by either the chief court administrator or probate court administrator. It gives notice delivered electronically the same validity and status as if sent by mail.

§ 7 — INDEMNIFICATION OF CERTAIN ATTORNEYS

The law immunizes from damages in civil suits attorneys appointed by the court under to court rules to (1) inventory the files of an inactive, suspended, disbarred, or resigned attorney and (2) take necessary action to protect the clients' interests. They are immune for damages or injuries caused in the discharge of their duties unless they acted wantonly, recklessly, or maliciously.

The bill gives these attorneys the same indemnification as state officers and employees. This requires the state to hold the attorneys harmless and indemnify them for financial loss and expense from claims due to their alleged negligence, deprivation of civil rights, or other acts or omissions causing damage or injury. This applies when the attorneys are discharging their duties but does not cover wanton, reckless, or malicious conduct. The attorney general must provide

their defense; but if he determines it is inappropriate to do so, the state must pay for counsel if the attorney is otherwise entitled to representation by the state.

§ 8 — AGREED FINES FOR INFRACTIONS AND VIOLATIONS

By law, people alleged to have committed infractions and certain violations can pay a fine by mail or choose to plead not guilty. The bill specifies that someone who pleads not guilty can, at a later Superior Court proceeding, (1) agree with the prosecutor on the amount of the fine to pay and (2) pay it without appearing before a judicial authority. Under the bill, the amount of the fine cannot be more than the fine established for the infraction or violation, and the person must pay any additional fees and costs set for the infraction or violation. The person must pay the Superior Court clerk.

As for payments by mail under current law, payment under the bill is considered a plea of *nolo contendere* (no contest) and is inadmissible in any civil or criminal proceeding to establish the person's conduct, but it does not affect the Department of Energy and Environmental Protection's or DMV's administrative sanctions authority.

Under the bill, the person does not need to submit a plea of *nolo contendere* in writing. The bill does not affect a person's right to request a trial.

§ 11 — SUPREME COURT CERTIFICATION FOR REVIEW

By law, an Appellate Court panel or aggrieved party can petition the Supreme Court to review an Appellate Court decision. Current law requires a vote of three Supreme Court justices to agree to review the decision. The bill also allows the court to review a decision on the vote of two judges if fewer than six are available to consider a petition.

§§ 12-14 — SUPREME COURT PANELS

Under current law, a party has a right to be heard by a panel of five Supreme Court members. The bill instead gives a party a right to a panel of at least five and requires the court to sit in panels of five, six,

or seven judges under rules the court adopts.

Currently, Supreme Court senior judges, Superior Court judges, and Appellate Court judges and senior judges can sit on a Supreme Court panel if the court's members cannot constitute a panel due to disability or disqualification. The bill expands the use of Supreme Court senior judges by (1) allowing them to be part of a panel when at least one justice is disabled, disqualified, or unavailable and (2) requiring their addition to a panel before any of the other judges.

Under the bill, Superior Court judges and Appellate Court judges and senior judges can be added to a panel if Supreme Court justices and senior judges are disabled, disqualified, or unavailable.

§ 15 — LIST OF PEOPLE HOLDING IDENTITY CARDS USED FOR JUROR LISTS

The bill requires DMV to give the jury administrator the latest updated file of people holding identity cards to use when compiling the master list for summoning jurors. The bill adds this to the lists of licensed drivers, residents with permanent place of abode in Connecticut who filed a personal income tax return in the last tax year, unemployment compensation recipients, and electors that the administrator uses to compile the master list. By law, the administrator must attempt to delete duplicate names, names of those excluded from jury service, and names of deceased people before randomly summoning jurors.

§ 16 — ALTERNATE JURORS IN CIVIL TRIALS

By law, an alternate juror becomes part of the jury panel in a civil case if a juror dies or the judge excuses a juror who is unable to perform his or her duty. Under current law, alternates are excused when the jury begins deliberations. Under the bill, the court (1) can keep alternates in service after deliberations begin and (2) if an alternate joins the regular panel after deliberations began, must instruct the jury to start deliberations anew.

§§ 18-21 — MOTOR VEHICLE VIOLATIONS AS FELONIES

Under case law, a second conviction for driving under the influence (CGS § 14-227a), which carries a possible prison term of over one year, is a criminal offense and not a motor vehicle violation (*McCoy v. Commissioner of Public Safety*, 300 Conn. 144 (2011)).

The bill specifies that any motor vehicle violation for which a sentence of more than one year may be imposed (see BACKGROUND) is considered an unclassified felony for purposes of:

1. sentencing to probation, and thus a person convicted of one of these motor vehicle violations can be sentenced to up to three years probation, but up to five years on a case-by-case basis, and can be considered for early termination of his or her probation terms;
2. the crime of criminal possession of a firearm or electronic defense weapon, which can be committed by possessing one of those items while having a prior felony conviction, thus qualifying one of these motor vehicle violations as a prior felony conviction;
3. taking a sample for DNA testing based on a felony conviction; and
4. the interstate compact for adult offender jurisdiction, which governs supervision of adult offenders in the community who are authorized under the compact to travel across state lines.

§ 22 — TERMINATION OF BAIL BONDS

The bill automatically terminates a defendant's bail bond when he or she is admitted to the supervised diversionary program for people with psychiatric disabilities. The law already terminates bonds on admission to other programs such as accelerated rehabilitation, the pretrial alcohol education program, the community service labor program, and the pretrial drug education program.

§ 23 — ERASURE OF CERTAIN RECORDS

By law, all police, court, and prosecutorial records of a criminal charge that is nolle (the state declines to prosecute) are erased if at least 13 months have passed since the nolle. Current law also considers a case nolle and allows records to be erased if the prosecutor continues the case and there is no prosecution or disposition for 13 months. The bill requires the arrested person to make a motion for a nolle after 13 months in order to have the records erased.

§ 24 — BAIL BONDS

By law, the total amount of a forfeited bond for a motor vehicle violation that is composed in part of certain additional fees and costs imposed on these violations must be deposited in the General Fund or Special Transportation Fund. The bill adds to the list of fees and costs the \$10 surcharge on certain motor vehicle violations that the state must remit to the municipalities where the violations occurred. The surcharge applies to anyone who pays a fine or forfeiture for any of 35 motor vehicle violations, including: (1) speeding, (2) reckless driving, (3) driving under the influence, (4) making an illegal turn, (5) failing to yield right of way, (6) failing to stop for a school bus (for a first offense), and (7) failing to stop at a stop sign. The surcharge also applies to anyone who pays a fine or forfeiture under any ordinance enacted in accordance with these laws. The Superior Court clerk or the chief court administrator (or her designee) must certify to the comptroller the amount due for the previous quarter to each municipality.

§§ 25-30 — VICTIMS

Administering Compensation and Services (§ 25)

By law, OVS can apply for and use grants to implement victim services and award grants or purchase services. The bill deletes a provision requiring it to do so according to a plan developed by January 1, 1994, in coordination with various agencies, to effectively administer victim compensation and coordinate delivery of services.

Victim Compensation for Alleged Sexual Assault or Risk of Injury Crimes (§ 26)

The bill authorizes victim compensation when OVS or a victim compensation commissioner reasonably concludes that (1) an alleged sexual assault crime or risk of injury to a minor occurred and (2) the personal injury was disclosed to certain individuals. The bill applies to the crimes of sexual assault in the 1st, 2nd, 3rd, or 4th degree or 3rd degree with a firearm; 1st degree aggravated sexual assault; aggravated sexual assault of a minor; sexual assault in a spousal or cohabiting relationship; and risk of injury to a minor. Compensation can be paid if the personal injury is reported to a:

1. licensed physician, physician assistant, advanced practice registered nurse, registered nurse, practical nurse, psychologist, marital and family therapist, professional counselor, or clinical social worker;
2. resident physician or intern at a hospital, whether or not licensed;
3. police officer;
4. mental health professional;
5. licensed or certified emergency medical services provider or alcohol and drug counselor;
6. sexual assault or battered women's counselor; or
7. Department of Children and Families employee.

By law, OVS may compensate victims injured or killed as a result of (1) attempts to prevent crime, aid police, or apprehend criminal suspects; (2) attempts or actual commissions of any crime by another; (3) operation of a motor vehicle by someone else convicted of driving under the influence of drugs or alcohol, 2nd degree assault with a motor vehicle while intoxicated, or 2nd degree manslaughter with a motor vehicle while intoxicated; or (4) terrorist crimes.

OVS Liens (§ 29)

By law, OVS has a lien against any amount an applicant for victim compensation wins in a suit against those responsible for the injury or death for which compensation was granted. This lien is for two-third of the amount paid for victim compensation or restitution services.

The bill also gives OVS a lien for the same amount of reimbursement on money an applicant recovers from other sources, including payments from state or municipal agencies, insurance benefits, or workers' compensation awards as a result of the incident or offense that gave rise to the application.

§§ 31-32 — CIVIL UNIONS FROM FOREIGN JURISDICTIONS

The bill specifies that Connecticut courts can enter orders of dissolution, annulment, or legal separation regarding valid civil unions performed in foreign jurisdictions. It deems these actions family relations matters. It is unclear whether the courts' authority over family matters currently extends to foreign civil unions.

§ 33 — ACCESS TO PROBATION OFFICER PLANS

Under the bill, information in alternative sentencing and community release plans prepared by probation officers is only available to:

1. Judicial Branch employees who require access to the information in performing their duties,
2. state and federal employees and authorized agents involved in the design and delivery of treatment services to the person who is the subject of the plan,
3. state or community-based agency employees providing services directly to the person, and
4. an attorney representing the person in any proceeding where the plan is relevant.

By law, probation officers:

1. must complete alternative sentencing plans for people who enter a stated plea agreement with a prison term of up to two years when the court orders them to and
2. may develop a community release plan for people sentenced to a prison term of up to two years who have (a) served at least 90 days in prison and (b) complied with Department of Correction prison rules and necessary treatment programs, and must apply for a sentence modification hearing if they develop such a plan.

§ 34 — ACCESS TO JUVENILE RECORDS

Current law allows state and federal employees and authorized agents to access records of delinquency proceedings if they are involved in delinquency proceedings, providing services directly to the child, or designing or providing treatment programs for juvenile offenders. The bill also allows them access if they are involved in delivering court diversionary programs.

The bill also gives community-based youth service bureau officials access to these records if they are performing any of the functions listed above.

§§ 35-43 — IAR

The bill extends many of the duties, responsibilities, and protections given to bail commissioners to IAR specialists. These provisions, among other things, govern:

1. notice from police when a defendant is not released on bail,
2. interviewing and investigating the defendant to set conditions of release,
3. informing the court of a defendant who cannot meet the conditions of release,
4. appearing in court if a defendant does not intend to appear,
5. protection from civil liability for damages on account of

releasing a person on bail,

6. receiving information about a defendant who is on or being considered for pretrial release from certain Judicial Branch employees in a local family violence intervention unit, and
7. administering oaths.

It also gives OVS authority to train IAR specialists on victims' rights and available services (§ 25).

The Judicial Branch created the position of IAR specialist and these employees currently perform many of the same functions as bail commissioners.

§ 44—SERVICE OF PROCESS FOR INMATE SUITS AGAINST THE STATE

By law, a proper officer must serve process in a civil action against the state; a state institution, board, commission, department, or administrative tribunal; or an officer, servant, agent, or employee of one of them by (1) leaving a true and attested copy of the process, including the declaration or complaint, at the attorney general's office or (2) sending a true and attested copy of the process, including the summons and complaint, to the attorney general's office by certified mail, return receipt requested.

For a civil action brought by an inmate against one of these entities or individuals, the bill only requires the proper officer to leave or mail one copy for all defendants who are sued in their official capacity

By law, proper officers include state marshals, constables, and other officers authorized by statute.

§ 45—INDIGENTS AND FRIVOLOUS LAWSUITS

Current law requires the court to waive a court fee and the state to pay service of process costs for a party to a civil or criminal matter who is indigent and unable to pay. The bill additionally requires the court to determine that the matter is not frivolous before the court must

waive a fee or the state must pay for service of process.

BACKGROUND

Motor Vehicle Violations

The following are examples of motor vehicle violations that carry a prison term of more than one year:

1. possessing a motor vehicle with a changed identification number (CGS § 14-149(a));
2. altering a motor vehicle identification number (CGS § 14-149(e));
3. operating a chop shop (CGS § 14-149a);
4. motor vehicle title certificate fraud (CGS § 14-196(a));
5. willful misuse of motor vehicle title certificate (CGS § 14-196(b));
6. evading responsibility, when causing serious injury or death (CGS § 14-224(a));
7. driving under the influence, second and subsequent offenses (CGS § 14-227a);
8. driving under the influence when under age 21, second and subsequent offenses (CGS § 14-227g); and
9. using a traffic signal preemption device, when it results in an accident (CGS § 14-299a(f)).

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute

Yea 42 Nay 0 (03/26/2012)

Appropriations Committee

Joint Favorable

Yea 52 Nay 0 (04/23/2012)