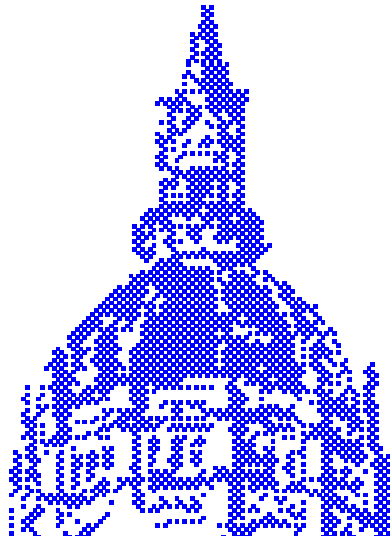


Office of Legislative Research  
Connecticut General Assembly



**CRIME AND PUBLIC SAFETY  
UPDATED**



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## NOTICE TO READERS

This report provides brief highlights of new laws affecting crime and public safety enacted during the 2012 regular and June and December 12 special sessions. (We refer to the latter as “JSS” and “Dec. SS,” respectively.) Each entry indicates the public act’s (PA) number.

All acts summarized here are effective October 1, 2012, unless otherwise noted.

Not all provisions of the acts are included here. Complete summaries of the acts passed during the regular and June SS are included in OLR’s 2012 [Public Act Summary Book](#), and on the [office’s](#) and [General Assembly’s](#) websites. The bill analyses OLR prepared for [PA 12-1 \(Dec. SS\)](#) is available on the General Assembly’s website.

Readers are encouraged to obtain the full text of acts that interest them from the Connecticut State Library, House Clerk’s Office, or General Assembly’s website.

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## TABLE ON PENALTIES

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

<b>Classification of Crime</b>	<b>Imprisonment</b>	<b>Fine</b>
Capital felony*	execution or life	—
Class A felony (murder)	25 to 60 years	up to \$20,000
Class A felony	10 to 25 years	up to 20,000
Class B felony	1 to 20 years	up to 15,000
Class C felony	1 to 10 years	up to 10,000
Class D felony	1 to 5 years	up to 5,000
Class A misdemeanor	up to 1 year	up to 2,000
Class B misdemeanor	up to 6 months	up to 1,000
Class C misdemeanor	up to 3 months	up to 500
Class D misdemeanor**	up to 30 days	up to 250

\* Under [PA 12-5](#), a person can be convicted of (1) capital felony for crimes committed before April 25, 2012 and (2) murder with special circumstances, which replaces the crime of capital felony, for crimes committed on or after that date, punishable by life imprisonment.

\*\* [PA 12-80](#) creates this misdemeanor classification.

## **COURTS**

### ***Court Operations***

**PA 12-133 (repealed in part by PA 12-1 (JSS))** makes numerous changes in court operations. It, among other things:

1. allows the Judicial Branch to enter into agreements with other agencies on a broader range of security matters;
2. expands the courts' use of electronic documents and communications;
3. specifies that someone who pleads not guilty to an infraction or certain violations can agree with the prosecutor on the amount of the fine and pay it without appearing before a judicial authority;
4. makes permanent a pilot program establishing a special community court docket for misdemeanors and cases involving local ordinance violations;
5. requires the Department of Motor Vehicles (DMV) commissioner to give the jury administrator the latest, updated file of people holding identity cards to use when compiling the master list for summoning jurors;
6. requires those charged, but not prosecuted within 13

months after arrest, to obtain a nolle before seeking to have their criminal record erased (previously, such cases automatically qualified for erasure); and

7. allows Court Support Services Division (CSSD) personnel to use videoconferencing to interview defendants at police stations when determining bail and conditions of release.

The act also requires the court to determine that a matter is not frivolous before (1) it waives a court fee or (2) the state pays service of process costs for an indigent party. **PA 12-1 (JSS)** repealed this provision. The repeal became effective upon passage.

### ***Deficiency Mitigation Plan***

**PA 12-1 (Dec. SS)** authorizes the Office of Policy and Management (OPM) secretary to recommend how the Judicial Branch can reduce its FY 2013 expenditures by \$5 million. The Supreme Court chief justice and chief public defender make the final decisions on how to achieve the savings.

EFFECTIVE DATE: Upon passage

### ***Probate Fund Transfer***

**PA 12-1 (JSS)** increases, from \$100,000 to \$225,000, the amount of funds transferred from

the Probate Court Administrative Fund to the Judicial Branch. The transfer is for a Children of Incarcerated Parents, Inc. grant to the Greater Hartford Male Youth Leadership Program.

EFFECTIVE DATE: Upon passage

### ***Veterans' Eligibility for Pretrial Diversion Programs***

[PA 12-42](#) relaxes rules in three pretrial diversionary programs, allowing them to admit some veterans who would not otherwise be eligible. The programs are those offering participants (1) accelerated rehabilitation, (2) drug education, and (3) community-based psychiatric treatment. If the U.S. Department of Veterans Affairs offers programs equivalent to those available from the state Department of Mental Health and Addiction Services (DMHAS), the act gives veterans the choice of participating in either program.

Those who successfully complete these programs may ask the court to erase records relating to the charged offense.

## **CRIMES AND PENALTIES**

### ***Animal Cruelty***

[PA 12-86](#) increases the penalties for those convicted of breaking animal cruelty laws on more than one occasion. Prior law subjected all violators to imprisonment for up to one year, fines of up to \$1,000, or both.

The act increases the penalties for repeat offenders to imprisonment for up to five years, fines of up to \$5,000, or both.

### ***Bank and Credit Union Robberies***

[PA 12-186](#) makes it a form of 2<sup>nd</sup> degree robbery for a person robbing a bank or credit union to intentionally intimidate an employee. The perpetrator's conduct must (1) cause the employee or someone else to reasonably fear for his or her own safety or the safety of another and (2) be intended to (a) prevent or overcome resistance or (b) force a non-participant to engage in conduct that aids in the crime's commission.

Second-degree robbery is a class C felony (see Table on Penalties).

### ***Commercial Sexual Exploitation of a Child***

[PA 12-141](#) creates the class C felony (see Table on Penalties) of commercial sexual exploitation of a minor. An advertiser commits the crime by buying advertising space without taking appropriate steps to determine if a model he or she intends to depict in the advertisement is under age.

Under the act, advertisers can avoid conviction by (1) requiring prospective models to produce government-issued identity cards and (2) keeping copies for the advertiser's records.

## ***Death Penalty Eliminated***

### **PA 12-5:**

1. eliminates the death penalty as a sentencing option for capital felonies committed on or after the act's effective date, thus making life imprisonment without the possibility of release the most severe penalty a court can impose;
2. renames the crime of capital felony as "murder with special circumstances"; and
3. makes a number of changes to apply the rules for capital felony crimes to murder with special circumstances, as necessary.

The act also requires the Department of Correction (DOC) to confer "special circumstances high security" status on any inmate (1) convicted of murder with special circumstances committed on or after the act's effective date or (2) whose death sentence the Board of Pardons and Paroles commutes, or a court reduces, to life without the possibility of release.

These inmates must be placed in administrative segregation (AS) while DOC reclassifies them. The options for these prisoners are: (1) remaining in AS or (2) being placed in protective custody or in a housing unit for the maximum security population under specified confinement conditions.

EFFECTIVE DATE: Upon passage, and the provision renaming the crime of capital felony as murder with special circumstances applies to crimes committed on and after that date.

## ***Desecrating or Stealing War or Veterans' Memorials***

**PA 12-38** makes it a class D felony (see Table on Penalties) to (1) desecrate or steal a war or veterans' memorial monument; (2) put one up for sale; (3) possess, buy, or attempt to buy one; or (4) transfer or dispose of any part of it. The actor must know that it has been unlawfully removed from its official location.

EFFECTIVE DATE: Upon passage

## ***Domestic Violence***

**PA 12-114** gives family violence victims greater support from the courts, law enforcement agencies, and court-based victim service providers. Among other things, it:

1. extends, from six months to one year, the period that a family violence-related civil restraining order can remain in effect without a court-ordered extension;
2. makes stalking or patterns of threatening between family or household members forms of family violence;
3. makes CSSD's pretrial release criteria stricter by specifying that release



- conditions must be adequate to protect public safety;
4. expands the scope of the state's 1<sup>st</sup> degree threatening law;
  5. requires probation officers to notify the family violence victim and Office of Victim Services (OVS) when they alert police of suspicions that an accused perpetrator is violating probation;
  6. allows OVS to pay for mental health and other services for children who witness family violence, including child witnesses not related to the victim;
  7. requires the State and local police departments to adopt and follow model family violence policies; and
  8. creates the Family Violence Model Policy Governing Council to evaluate law enforcement policies and procedures for responding to family violence incidents.

EFFECTIVE DATE: October 1, 2012, except the governing council provisions are effective on passage.

### ***Failing to Report a Child Missing***

[PA 12-112](#) makes it a class A misdemeanor (see Table on Penalties) to knowingly fail to report the disappearance of a child under age 12. The duty to

report applies to any parent; guardian; or person who has custody or control of, or is supervising, the child who either (1) does not know the child's whereabouts or (2) has not had contact with him or her in the last 24 hours.

### ***Fraud***

***Fraudulent Fundraising.*** [PA 12-195](#) makes it a Class C misdemeanor (see Table on Penalties) to fraudulently solicit funds on behalf of a veterans' charitable organization in order to benefit financially from such contributions.

***Medicaid Fraud.*** [PA 12-1 \(JSS\)](#) requires the chief state's attorney to report to the Appropriations Committee by October 1, 2013 on the amount of money its Medicaid Fraud Control Unit recovered in the course of investigating fraudulent activities involving state medical assistance programs.

EFFECTIVE DATE: July 1, 2012

### ***Habeas Corpus Reform***

Regarding habeas corpus petitions, [PA 12-115](#) requires a court to (1) on its own or if asked by a party, determine if the petition provides a sufficient basis for holding a trial and (2) dismiss petitions raising certain claims if filed after a certain date unless the petitioner shows good cause for having missed the deadline.

EFFECTIVE DATE: October 1, 2012 and applicable to petitions filed on or after that date.

### ***Incompetent Defendants — Release from Civil Commitment***

When a defendant with a developmental disability like mental retardation is found incompetent to stand trial, the law permits a judge to place him or her in the custody of the Department of Developmental Services commissioner and direct the commissioner to have the defendant civilly committed. In such cases, [PA 12-1 \(JSS\)](#) authorizes the judge to order the commissioner to (1) subject the defendant to periodic mental exams and (2) notify the court if the defendant's civil commitment is revoked before the statute of limitations for prosecuting him or her has run out.

### ***Juveniles***

***Age Limits for Juvenile Court Involvement.*** [PA 12-1 \(JSS\)](#) eliminates juvenile court jurisdiction over children charged with committing crimes or status offenses (such as running away or skipping school) while they were under age seven. By law, these children may qualify for behavioral health and related services through the Department of Children and Families' (DCF) Voluntary Services Program, but under the act will no longer be

eligible for the Judicial Branch's delinquency-related programs.

***Competency.*** Both the state and federal constitutions prohibit putting children on trial when their mental condition or developmental disability makes them incapable of understanding the court proceedings or participating in their defense. [PA 12-1 \(JSS\)](#) creates a juvenile court procedure addressing competency issues that is similar to the one that applies to adults.

Among other things, it establishes standards for determining when a mental health examination is needed, procedures regarding their conduct and the clinical issues they must address, and alternatives courts can choose depending on whether it appears likely that an incompetent child is likely to become competent.

***Placements for Delinquent Children.*** [PA 12-1 \(JSS\)](#) makes committing a delinquent child to the DCF commissioner appropriate only when the judge has determined that the court's services are either inadequate or unavailable. And [PA 12-1 \(Dec. SS\)](#) eliminates a requirement that a juvenile court judge consult with DCF about the appropriateness of a specific placement choice prior to the court's sentencing a delinquent child to DCF for a term of probation.

EFFECTIVE DATES: For [PA 12-1 \(JSS\)](#), July 1, 2012; for [PA 12-1 \(Dec. SS\)](#), upon passage, and applicable to commitments and orders entered on or after that date.

***Transfers between Delinquency and Adult Dockets.*** [PA 12-1 \(JSS\)](#) makes numerous changes in laws on court procedures for cases involving juveniles charged with crimes that can be transferred between the juvenile and adult criminal dockets. The major changes require additional hearings on transfer motions and ease standards and court deadlines for returning transferred cases to juvenile court.

EFFECTIVE DATE: Upon passage

***Nursing Home Care for Inmates***

[PA 12-1 \(JSS\)](#) permits the DOC commissioner to contract with a licensed, community-based nursing home to care for inmates who (1) need palliative (symptom management) or end-of-life care or (2) are so incapacitated that they present no danger to public safety. The nursing home must periodically review the inmate's medical condition and diagnosis and DOC must supervise him or her in the community. The act disqualifies

inmates convicted of capital felonies or murder with special circumstances.

EFFECTIVE DATE: July 1, 2012

***Legalizing Medical Marijuana***

With limited exceptions, [PA 12-55](#) legalizes marijuana use for patients with a doctor's certificate stating that the patient has a debilitating disease—cancer, AIDS or HIV, or Parkinson's disease—and could benefit from the palliative use of marijuana. The act generally protects patients, their caregivers or doctors, pharmacists, or growers from being (1) subject to prosecution or civil lawsuits or (2) denied any right or benefit for specified actions relating to palliative usage. The act (1) directs that palliative use be curtailed when required by federal law or to obtain federal funding and (2) specifies that insurers are not required to cover this treatment.

The act allows the Department of Consumer Protection commissioner to designate other debilitating conditions and charge various fees to cover direct and indirect costs. He must also (1) implement administrative standards, rules, and procedures, (2) authorize between three and 10 dispensaries; and (3) establish a board of physicians to conduct public hearings and make specified recommendations.

The act makes it a misdemeanor to tell certain lies to law enforcement officers about medical marijuana use. Depending on the false statement's subject matter, violations are either class A or C misdemeanors (see Table on Penalties).

EFFECTIVE DATE: October 1, 2012, except the provisions (1) defining various terms, (2) providing for dispensary and producer licensing, and (3) creating the physicians' board are effective on passage.

## **Motor Vehicles**

### **Completing Repealed Alcohol and Drug Addiction Treatment Program. [PA 12-121](#)**

allows an individual (1) whose driver's license, was suspended or revoked, under certain circumstances, on or before December 31, 2011 and (2) who was participating in, or eligible to participate in, the alcohol and drug treatment program repealed by 2011 legislation, to complete that program or an equivalent the DMV commissioner designates. Those who complete the program can apply to DMV for license reinstatement.

EFFECTIVE DATE: Upon passage

**Drunk Driving. [PA 12-178](#)** makes a number of changes in the driving under the influence (DUI) laws, including:

1. placing restrictions on the first year of driving with an

- interlock device after a second DUI conviction;
2. allowing a DUI offender whose license is permanently revoked to request restoration after two rather than six years, but requiring lifetime rather than 10 years' use of an interlock device after restoration, subject to a request for removal of the device for good cause after 15 years;
3. raising the amount of fees those conducting victim impact panel programs can charge participants; and
4. requiring repeat DUI offenders to submit to an alcohol or drug abuse assessment through CSSD and undergo any court-ordered treatment program.

EFFECTIVE DATE: July 1, 2012, except the provision on lifetime ignition interlock use is effective January 1, 2013.

**Expressions of Remorse. [PA 12-124](#)** makes apologies and other expressions of remorse made by a person convicted of, but awaiting sentencing for, a motor vehicle offense that resulted in death or serious physical injury inadmissible as proof of the speaker's liability or guilt in civil or criminal proceedings.

**“Move Over” Law. [PA 12-19](#)** applies the “move over” law to highways with two or more lanes in each direction. The previous law applied to highways with three or more such lanes.

The “move over” law requires a motorist approaching one or more stationary emergency vehicles with flashing lights in travel or breakdown lanes or on the highway’s shoulder to (1) immediately slow to a reasonable speed and (2) move over one lane, if traveling in the lane next to the emergency vehicle, unless this would be unreasonable or unsafe.

By law, violations that result in the injury or death of the emergency vehicle operator carry fines of up to \$2,500 and \$10,000, respectively; any other violation is an infraction.

### ***Poaching***

[PA 12-84](#) increases the penalty for poaching from a class C to a class B misdemeanor (see Table on Penalties). By law, a person commits this crime by knowingly and without authorization entering on any premises to hunt, trap, or fish.

### ***Regulated Professions***

***Fine Art Secured Lenders.*** [PA 12-131](#) creates a fine art secured lending license that anyone in the business of loaning money on the deposit of fine art (“fine art secured lenders”) must obtain from designated town

officials. Among other things, the act subjects licensees to performance and recordkeeping requirements and authorizes penalties similar to those already applying to pawnbrokers.

Under the act, anyone who willfully acts as a fine art secured lender without a license or after being notified that his or her license has been suspended or revoked commits a class D felony (see Table on Penalties). Other violations are class A misdemeanors.

***Massage Therapists.*** [PA 12-64](#) extends regulation of the massage therapy field to people who employ massage therapists, rather than only the practitioners themselves. It also expands the list of practices and services that cannot be advertised unless they will be performed only by licensed massage therapists.

***Mechanical Contractors.*** The law requires mechanical contractors doing (1) plumbing and piping or (2) heating, piping, and cooling work to register and comply with DCP regulations. [PA 12-18](#) establishes a penalty for unregistered mechanical contractors who willfully direct their employees to do such work, or supply someone else with unlicensed employees. Violators are subject to a \$1,000 fine for a first offense and \$2,500 for repeat offenses.

## ***Unclassified Misdemeanors***

### **PA 12-80:**

1. creates a class D misdemeanor for the least serious classified offenses (see Table on Penalties);
2. adjusts the penalties for some unclassified misdemeanors to fit them into the A, B, C, or D classifications, while deeming others to be classified;
3. reduces the penalties for some unclassified misdemeanors to fine-only violations;
4. sets up to one year as the maximum probation term for class D misdemeanors and changes term lengths for some that are unclassified; and
5. repeals some unclassified misdemeanors.

EFFECTIVE DATE: October 1, 2012, and the changes to probation terms are applicable to sentences imposed for crimes committed on or after that date.

## ***Voter Intimidation and Interference***

**PA 12-193** increases the penalties for violating certain election laws related to influencing or intimidating voters, making them class C or D felonies (see Table on Penalties).

Table 1 compares penalties under prior law and the act.

**Table 1: Penalties under Prior Law and the Act**

<b><i>Crime</i></b>	<b><i>Penalty Under Prior Law</i></b>	<b><i>Penalty Under the Act</i></b>
Circulating misleading instructions to any voter	A fine of up to \$500, up to five years in prison, or both	Class D felony
Influencing or attempting to influence any voter to refrain from voting by force, threat, bribery, or corrupt, fraudulent, or deliberately deceitful means and with the intent to disenfranchise the voter	A fine of up to \$500 and three months to one year in prison	Class D felony
Threatening, forcing, or bribing a voter; suppressing or destroying any vote; miscounting any vote; or falsely or wrongfully announcing results	A fine of up to \$1,000, up to one year in prison, or both	Class C felony
An employer attempting, within 60 days before an election, school district election, or municipal or school district meeting to influence or threaten or later retaliate against an employee in connection with the election or meeting	A fine of between \$100 and \$500, six months to one year in prison, or both	Class D felony
Inducing or attempting to induce an elector to do anything that enables anyone to see or know how the elector or another person voted	Up to five years in prison, no fine	Class D felony
Tampering with a voting tabulator, or defacing or destroying a ballot or any other device used to vote, with the intent to cause the voting equipment to incorrectly register votes	Up to five years in prison, no fine	Class C felony

EFFECTIVE DATE: July 1, 2012, except the absentee voting provision is effective on passage

## ***Zappers and Phantom-Ware***

**PA 12-135** (1) makes it a crime to willfully and knowingly buy, sell, install, transfer, or possess zappers or phantom-ware and (2) subjects violators to (a) imprisonment for one to five years, fines of up to \$100,000, or both, and (b) liability for unpaid state taxes, penalties, and interest.

“Zappers” and “phantom-ware” are computer programs that alter sales records by under-reporting or otherwise manipulating electronic cash register transaction data.

The act also designates this equipment “contraband,” authorizing the (1) Department of Revenue Services to confiscate it along with devices on which it is installed and (2) state officials to seize accrued profits.

EFFECTIVE DATE: Upon passage

## **CRIME VICTIMS**

### ***Office of Victim Services***

**PA 12-133** makes several changes in laws concerning services for crime victims. It:

1. in some cases, authorizes victim compensation based on a reasonable conclusion that a sexual assault or risk of injury crime has been committed, rather

- than only upon an actual conviction;
2. allows OVS to fully compensate crime victims, eliminating a \$100 deductible;
3. makes more people liable to repay OVS for its victim compensation awards; and
4. delays, from June 30, 2012 to June 30, 2013, the sunset date for the Sexual Assault Forensic Examiners Advisory Committee, which advises OVS on sexual assault forensic examiner training and options for making examination services available at participating hospitals.

EFFECTIVE DATE: October 1, 2012, except the provision extending advisory committee’s termination date is effective upon passage.

### ***Sexual Assault Evidence Exams***

Existing law prohibits the Judicial Branch from charging sexual assault victims and health care facilities for examinations conducted to collect evidence of the crime. **PA 12-1 (JSS)** extends the no-charge provision to medical assessment interviews conducted by designated health care professionals. It directs the branch to pay for the exams and interviews from its Forensic Sex



Evidence Exams account. OVS had previously been paying for the exams.

## **LAW ENFORCEMENT**

### ***Federal Probation Officers***

[PA 12-177](#) gives federal probation officers performing their duties access to the names and addresses of people issued (1) permits to sell or carry handguns, (2) eligibility certificates to possess them, or (3) certificates of possession for assault weapons.

### ***State Police Staffing***

Prior law required the Department of Emergency Services and Public Protection's (DESPP) Division of State Police to have at least 1,248 sworn members. [PA 12-1 \(JSS\)](#) eliminates that mandate and instead requires the commissioner to appoint and maintain enough officers to efficiently maintain the division's operation. It further requires the Legislative Program Review and Investigations Committee to study several specific areas, including relationships between staffing levels and

1. response time;
2. safety;
3. crime, accident, and fatality statistics;
4. consumer satisfaction;
5. trooper injuries; and
6. crime.

By March 1, 2013, the study's authors must recommend standards and submit their report to the legislature and DESPP commissioner for use in formulating budget proposals for the 2013 biennial budget.

EFFECTIVE DATE: Upon passage

### ***Stolen Property Inventories***

[PA 12-72](#) increases, from \$250 to \$1,000, the threshold value of stolen property the police must hold as evidence when seized in connection with an arrest or lawful search. In doing so, it allows rightful owners to retrieve more of their seized property while a case is ongoing.

### ***Traffic Stops and Racial Profiling***

[PA 12-74](#) suspends police departments' duty to record and report traffic stop information on July 1, 2012. It requires them to resume recording the information starting on July 1, 2013, and annually reporting summary data starting on October 1, 2013 if OPM has developed new standardized methods. It creates a Racial Prohibition Project Advisory Board to work with the Criminal Justice Information System Governing Board and help OPM develop the methods.

It also makes other changes related to data recording, reporting, retention, and evaluation; review and disposition of complaints; officer

training; and penalties for noncompliance, among other things.

EFFECTIVE DATE: July 1, 2012, except the provisions concerning the advisory board are effective on passage.

Until standard methods for recording traffic stops are developed, [PA 12-1 \(JSS\)](#) requires DESPP, using a form it was required to develop and implement by January 1, 2013, to record:

1. the number of people stopped for traffic violations;
2. based on the officer's observation and perception, the driver's race, color, ethnicity, gender, and age;
3. the alleged violation resulting in the stop;
4. whether the officer issued a warning or citation, made an arrest, or conducted a search; and
5. any additional information local police departments or DESPP deem appropriate, so long as it cannot be used to identify a particular individual.

The act also delays the date by which DESPP and local departments must provide OPM with traffic stop data summaries from October 1, 2012 (as set in [PA 12-74](#)) to October 1, 2013.

EFFECTIVE DATE: Upon passage

### ***Training Fish and Game Constables***

#### **PA 12-181 (VETOED)**

exempts fish and game protection constables working in Enfield from certification as police officers so long as they successfully complete basic training provided by a certified Enfield police officer. To carry a firearm in the course of their duties, they must be (1) certified by the Enfield Police Department's firearms trainer and (2) subject to the same recertification requirements as the department's regular sworn officers.

### **PUBLIC SAFETY**

#### ***Custody Decisions Involving Incompetent Defendants***

The law allows courts to order defendants they find incompetent to stand trial into the custody of the DMHAS commissioner for treatment to restore them to competency. [PA 12-1 \(JSS\)](#) expands the objections that may serve as a basis for the commissioner's refusal to accept custody. Prior law authorized her to deny admission to violent defendants when the department lacked trained staff, facilities, and security to accommodate them.

The act allows her to exclude defendants who present significant security, safety, or medical risks for the same reasons, even if they are not violent.

When DMHAS refuses to take custody for one of these reasons, the act makes DOC responsible for the defendant's custody and medical and psychiatric care. DMHAS is responsible for providing (1) competency restoration services, (2) various court reports and updates, and (3) competency hearing testimony.

### ***E 9-1-1***

***E 9-1-1 Fund. PA 12-1 (JSS)*** requires Office of Statewide Emergency Telecommunications (OSET), by January 1, annually, to prepare and submit to the OPM secretary an annual budget for the E 9-1-1 program. By January 15, annually, the secretary must submit a report on the proposed use of the funds to the Appropriations; Finance, Revenue, and Bonding; and Public Safety and Security committees. By law, the funds are used exclusively for E 9-1-1 program expenses.

EFFECTIVE DATE: July 1, 2012

### ***Text Messaging Capability.***

**PA 12-114** requires OSET to study the cost, feasibility, and public safety considerations of redesigning the E 9-1-1 system to allow text messaging or communicating using other types of mobile devices.

EFFECTIVE DATE: Upon passage

### ***Electronic Tracking in Family Violence Cases***

**PA 12-1 (JSS)** authorizes the Judicial Branch to resume and expand a family violence pilot program that had been discontinued when it lost funding. The program allowed judges in three court locations to order individuals released while awaiting trial on family violence charges to wear electronic monitoring devices such as ankle bracelets. The condition was imposed on those identified as being at high risk for reoffending and the monitoring was intended to warn law enforcement agencies and victims when the person being monitored was within a specified distance of the victim.

The act transfers \$510,517 from the Probate Court Administrative Fund to the Judicial Branch to cover the costs of the program's resumption and implementation in other court locations.

EFFECTIVE DATE: July 1, 2012, except the funds transfer is effective on passage.

### **Firearms Evidence Databank**

**PA 12-16** makes changes in the laws dealing with the state's firearms evidence databank.

Among other things, it:

1. conforms the law to practice by requiring images of other firearm ammunition discharges, rather than just those for pistols and revolvers, to be stored in the databank;
2. gives state crime lab personnel discretion in determining what discharged ammunition images to enter, and
3. eliminates a 60-day deadline completing tests on handguns.

### **Funding for Municipal Building and School Security Systems**

**PA 12-1 (Dec. SS)** makes municipal improvements in building security systems, including schools, eligible for funding under the Local Capital Improvement Program (LoCIP) Fund. The fund, administered by OPM, reimburses municipalities for the cost of eligible local capital improvement projects. OPM annually allocates LoCIP funds to municipalities according to a statutory formula.

EFFECTIVE DATE: Upon passage

### **Public Safety Data Network**

**PA 12-68** requires DESPP to establish an electronic public safety data network (PSDN) for exchanging information among public safety and criminal justice entities. It requires the (1) OSET to create technical and operational standards for the network's establishment and (2) E 9-1-1 Commission, in consultation with a coordinating advisory board, to advise the DESPP commissioner on the network's design, implementation, coordination, and governance.

The act requires the commissioner to include the expenses associated with implementing and maintaining the PSDN in calculations of required E-911 program funding levels.

EFFECTIVE DATE: Upon passage for provisions establishing the PSDN; July 1, 2012 for the remainder.

### **Public Utilities**

**PA 12-148** generally prescribes heightened emergency preparedness and response standards for the state, including public and private utilities. Among other things, it directs the Public Utilities Regulatory Authority to:

1. review electric and gas company emergency preparation and service restoration practices,

2. establish emergency performance standards,
3. conduct performance reviews and sanction violators,
4. establish standards for restoring intrastate telecommunications services,
5. develop expedited road clearing strategies for public safety personnel,
6. fund a pilot program for on-site electricity generation at critical facilities, and
7. study the feasibility of reimbursing residential utility customers for the cost of spoiled food and medication caused by outages.

It also requires all state departments, offices, and agencies to participate in civil preparedness planning, training, and exercises when the DESPP commissioner directs them to do so.

EFFECTIVE DATE: Upon passage, except the provisions regarding civil preparedness planning-related activities are effective July 1, 2012.

### ***Recording Pistol and Revolver Sales***

**PA 12-191** requires gun dealers to (1) keep their handgun sales records in a form prescribed by federal law, rather than as designated by the DESPP commissioner, and (2) make the records available for inspection

at the request of any local or sworn state police officer or investigator on the State-wide Firearms Trafficking Task Force.

Failure to maintain the records or make them available for inspection is punishable by imprisonment for up to three years, a fine of up to \$500, or both.

### ***Sexual Violence on College Campuses***

**PA 12-78** requires colleges to (1) adopt, disclose, and include in their annual, uniform campus crime reports one or more policies on sexual assault and intimate partner violence. The policies must include detailed provisions for (1) providing information to students about their options for assistance if they are victims of such violence, (2) disciplinary procedures, and (3) the range of possible sanctions.

The act also requires the institutions, within existing resources, to offer (1) sexual assault and intimate partner violence primary prevention and awareness programs to all students and (2) ongoing prevention and awareness campaigns.

EFFECTIVE DATE: July 1, 2012

SP:ro