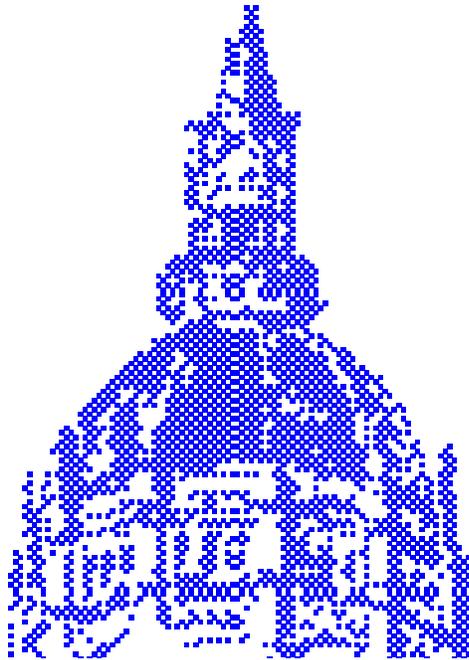


Office of Legislative Research  
Connecticut General Assembly



**CRIME AND PUBLIC SAFETY**



2013-R-0297

By: Christopher Reinhart, Chief Attorney

July 25, 2013

## **NOTICE TO READERS**

This report provides brief highlights of new laws affecting Crime and Public Safety enacted during the 2013 regular session. Each entry indicates the public act (PA) number. We do not include vetoed public acts.

Not all provisions of the acts are included here. Complete summaries of all 2013 public acts will be available when OLR publishes its Public Act Summary book; some are already on OLR's website.

[www.cga.ct.gov/olr/OLRPASums.asp](http://www.cga.ct.gov/olr/OLRPASums.asp)).

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 ([www.cga.ct.gov/](http://www.cga.ct.gov/)).

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## TABLE ON PENALTIES

The law authorizes courts to impose fines, imprisonment, or both when sentencing a convicted criminal. Table 1 displays, as of October 1, 2013, the ranges of prison terms and fines that judges may impose for each classification of crime. Some crimes have a mandatory minimum sentence that is not specified in the table. Also, repeated or persistent offenders may face higher sentences than specified here.

**Table 1: Crime Classifications and their Penalties**

<i>Felony or Misdemeanor</i>	<i>Prison Term</i>	<i>Fine</i>
Class A felony—murder with special circumstances	Life without the possibility of release	Up to \$20,000
Class A felony—murder	25 to 60 years	Up to \$20,000
Class A felony—aggravated sexual assault of a minor	25 to 50 years	Up to \$20,000
Class A felony	10 to 25 years	Up to \$20,000
Class B felony—1st degree manslaughter with a firearm	Five to 40 years	Up to \$15,000
Class B felony	One to 20 years	Up to \$15,000
Class C felony	One to 10 years	Up to \$10,000
Class D felony	Up to 5 years	Up to \$5,000
Class E felony	Up to 3 years	Up to \$3,500
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

## **ALTERNATIVES TO PROSECUTION**

### ***Court Diversionary Programs***

[PA 13-159](#) makes a number of changes to criminal court diversionary programs including:

1. renaming the pretrial drug education program the “pretrial drug education and community service program,” expanding program eligibility, changing the treatment options that can be imposed, altering community service requirements, and increasing certain fees;
2. eliminating the pretrial diversion option of the community service labor program, which includes drug education, and altering eligibility for participation after a plea agreement; and
3. allowing a person charged with 2<sup>nd</sup> degree sexual assault to participate in accelerated rehabilitation (AR) when (a) there is good cause and (b) the charge involves sexual intercourse with someone between ages 13 and 16 and the person charged is more than three but less than four years older (AR is a pretrial program for people accused of crimes and motor vehicle violations that are punishable by a

prison term but are not of a serious nature).

EFFECTIVE DATE: October 1, 2013

### ***Commercial Drivers’ License (CDL) Holders Barred From Certain Programs***

[PA 13-271, §§ 43-44](#), makes ineligible for AR anyone charged with a motor vehicle violation (1) while operating a commercial motor vehicle or (2) who held a CDL or commercial driver’s instruction permit when the violation occurred, regardless of the type of vehicle he or she was driving.

The act makes ineligible for the pre-trial alcohol education program anyone charged with driving under the influence (DUI) who held a CDL or commercial driver’s instruction permit at the time of the violation, regardless of whether he or she was driving a commercial motor vehicle. Drivers charged with DUI while operating a commercial motor vehicle are already ineligible for the program.

EFFECTIVE DATE: January 1, 2014

## **CRIMES AND PENALTIES**

### ***Assault of a Liquor Control Agent***

[PA 13-111](#) makes assault of a liquor control agent a class C felony (see Table on Penalties), the same penalty as for assault of public safety, emergency medical, and public transit personnel, among others. A person commits

this crime by assaulting a reasonably identifiable liquor control agent performing his or her duties, with intent to prevent the agent from performing them, by causing injury or throwing or using certain things like mace, paint, or bodily fluids.

As with certain other felonies, the act requires someone arrested for this crime to provide a blood or DNA sample before he or she is released from custody if the arrestee was previously convicted of a felony and has not already provided a blood or DNA sample.

EFFECTIVE DATE: October 1, 2013

### ***Colon Hydrotherapists***

[PA 13-305](#) allows licensed naturopaths to delegate the provision of colon hydrotherapy services to a colon hydrotherapist, under certain conditions. Anyone who violates these provisions is subject to a fine of up to \$500, up to five years in prison, or both. Each instance of patient contact or consultation in violation of the act constitutes a separate offense.

EFFECTIVE DATE: October 1, 2013

### ***Euthanization of Cats and Dogs***

[PA 13-236](#) generally requires that the euthanization of dogs or cats be performed only by licensed veterinarians in a humane manner. The act

subjects violators to up to a year in prison, up to a \$1,000 fine, or both.

Among the exceptions, the act does not apply to the euthanization of a cat or dog by a law enforcement officer in the course of duty.

EFFECTIVE DATE: Upon passage

### ***Failure to Report Child Abuse***

[PA 13-297](#) makes it a form of risk of injury to a child for a person to intentionally and unreasonably interfere with or prevent a person who is required to report suspected child abuse and neglect (a mandated reporter) from carrying out this obligation. The act makes this a class D felony (see Table on Penalties).

The act also makes it a crime for mandated reporters (e.g. school employees, police officers, certain medical professionals, and Department of Children and Families (DCF) employees) to fail to report suspected child abuse or neglect to DCF. Under prior law, this inaction subjected them to fines of between \$500 and \$2,500. The act makes it a class A misdemeanor (see Table on Penalties). By law, such reporters must also participate in an educational and training program.

EFFECTIVE DATE: October 1, 2013

***False Statement***

**PA 13-144** renames 1<sup>st</sup> degree false statement as “false statement on a certified payroll” and 2<sup>nd</sup> degree false statement as simply “false statement.”

EFFECTIVE DATE: October 1, 2013

***Gang Recruitment***

**PA 13-302** makes recruiting a minor to participate in a “criminal gang” a class A misdemeanor (see Table on Penalties).

EFFECTIVE DATE: October 1, 2013

***Interfering With an Officer***

**PA 13-300** increases the penalty for interfering with an officer from a class A misdemeanor to a class D felony (see Table on Penalties) when the interference causes another person’s death or serious physical injury. By law, a person commits this crime by obstructing, resisting, hindering, or endangering a peace officer, revenue services special police officer, motor vehicle inspector, or firefighter in the performance of their duties.

EFFECTIVE DATE: October 1, 2013

***Kidnapping 1<sup>st</sup> Degree with a Firearm***

**PA 13-28** increases the mandatory minimum sentence for 1<sup>st</sup> degree kidnapping with a firearm from one to 10 years. By doing so, it reinstates the 10-year mandatory minimum sentence

for 1<sup>st</sup> degree kidnapping, which was reduced to one year under a court ruling.

EFFECTIVE DATE: October 1, 2013

***Radiation and Radioactive Materials***

**PA 13-205** punishes anyone who, with criminal negligence, (1) violates certain radiation and radioactive materials laws, regulations, orders, or licenses or (2) makes a false statement, representation, or certification in any document filed or required to be maintained. A first conviction is punishable by up to \$25,000 for each day of violation, up to one year in prison, or both. A subsequent conviction is punishable by a fine of up to \$50,000 for each day of violation, up to two years in prison, or both.

The act also subjects anyone who knowingly makes a false statement, representation, or certification in any such document filed or required to be maintained, to a penalty of up to \$50,000 for each day of violation, up to three years in prison, or both. A subsequent conviction is punishable by a fine of up to \$50,000 for each day of violation, up to 10 years in prison, or both.

EFFECTIVE DATE: October 1, 2013

***School Accommodation***

By law, a person generally commits larceny when he or she wrongfully takes, among other things, services from an owner.

[PA 13-211](#) excludes from the definition of “services” school accommodations provided by a school district to (1) a child, (2) an emancipated minor, or (3) a student who is at least age 18 and homeless. Thus, anyone who wrongfully takes such services is not guilty of larceny.

EFFECTIVE DATE: October 1, 2013

***Sexual Assault of a Person Who Is Physically Helpless or Whose Ability to Consent Is Impaired***

Under existing law, it is 2<sup>nd</sup> degree sexual assault to have sexual intercourse, or 4<sup>th</sup> degree sexual assault to have sexual contact, with someone who is physically helpless. [PA 13-47](#) expands the definition of “physically helpless” for these purposes to include someone who is physically unable to resist an act of sexual intercourse or sexual contact.

Existing law also includes within the definition of “physically helpless” someone who is unconscious or otherwise physically unable to communicate unwillingness to engage in the act. As recently interpreted by the state Supreme Court, even total physical incapacity does not necessarily render someone physically helpless under that provision.

The act eliminates references to “mentally defective” in these statutes and instead refers to “impaired because of mental disability or disease.” It defines this term in a similar manner as the prior definition.

EFFECTIVE DATE: October 1, 2013

***Sexual Assault 4<sup>th</sup> Degree***

[PA 13-28](#) makes a change to the crime of 4<sup>th</sup> degree sexual assault. One way a person commits this crime is to subject certain victims to sexual contact. The act no longer requires that this contact be intentional but leaves in place the requirement that the offender intend to (1) derive sexual gratification from the act or (2) degrade or humiliate the victim.

EFFECTIVE DATE: October 1, 2013

***Unauthorized Practice of Law***

[PA 13-29](#) generally increases the penalty for the unauthorized practice of law from a class C misdemeanor to a class D felony (see Table on Penalties). It retains the existing penalty for people admitted as attorneys in other jurisdictions who practice in Connecticut without being authorized to do so and who are not otherwise exempt from the penalty.

The act expands the list of people covered by the unauthorized practice statute, as well as those exempt from it.

**PA 13-127** prohibits a notary public from offering or providing legal advice in immigration matters, or representing someone in immigration proceedings, unless he or she is (1) an attorney admitted to the Connecticut bar or (2) authorized by federal regulations to practice immigration law or represent people in immigration proceedings.

The act also prohibits a notary public from assuming, using, or advertising the title of notario or notario publico unless he or she (1) is an attorney admitted to the Connecticut bar or (2) indicates in an advertisement or otherwise provides written notice that he or she is not a state-licensed attorney.

The act deems a notary public who violates these provisions to have violated the prohibition on the unauthorized practice of law.

EFFECTIVE DATE: October 1, 2013

### ***Unclassified Felonies***

By law, felonies are punishable by more than one year imprisonment. They are classified according to severity as class A, B, C, or D. There are also unclassified felonies punishable by more than one year in prison.

**PA 13-258** creates a new felony classification, a class E felony, punishable by up to three years in prison, a fine of up to \$3,500, or both. For class D felonies, the act eliminates a minimum one-year prison term,

which was not a mandatory minimum and could be suspended in all or part by a judge. Thus, the act makes class D felonies punishable by up to five years in prison, a fine of up to \$5,000, or both.

The act also adjusts the penalties of many previously unclassified felonies to fit them into classifications while deeming others to be classified.

EFFECTIVE DATE: October 1, 2013

## **DOMESTIC VIOLENCE**

### ***Domestic Violence and Sexual Assault***

**PA 13-214** makes a number of changes to the domestic violence and sexual assault laws. It:

1. revises the protocol for surrendering a firearm by a person who is subject to a restraining or protective order or a foreign order of protection;
2. requires probation officers to provide notice of suspected probation violations to assigned victim advocates, if the officer has the advocate's contact information;
3. requires the chief court administrator to maintain a separate, secure room in certain courthouses for family violence victims and their advocates, if such room is available and its use practical;

4. permits a sexual assault victim to terminate a rental agreement without penalty under some circumstances;
5. requires the chief court administrator to (a) develop a plan to include temporary financial support as relief available to an applicant for a restraining order and (b) assess the effectiveness of family violence training programs for judges and Judicial Branch staff;
6. establishes a task force to study the feasibility of permitting a sexual assault victim who is not a perpetrator's family or household member to apply for a restraining order;
7. requires the Judicial Branch to make the family violence training program for judges, Judicial Branch personnel, and court clerks available to guardians ad litem; and
8. increases, from two to three, the number of Criminal Justice Policy Advisory Commission members who represent community-based offender and victim services providers.

The act also updates statutory references to "battered women" and "batterers" to be consistent with current terminology (i.e., "domestic violence victims" and

"persons who commit acts of family violence").

EFFECTIVE DATE: October 1, 2013, except the (1) provision on victims' waiting areas in courthouses is effective July 1, 2013 and (2) provisions on the temporary financial support plan, family violence training program assessment, and feasibility study are effective upon passage.

#### ***Ex Parte Restraining Orders***

**PA 13-194, § 2**, extends the validity of an ex parte restraining order until the day a hearing is held if the court is closed on the date of a scheduled hearing on the order.

EFFECTIVE DATE: October 1, 2013

#### ***Family Violence Programs***

**PA 13-247, §§ 53-54**, requires the chief court administrator and the Department of Correction (DOC) commissioner, by May 31, 2014, to (1) assess the effectiveness of the family violence programs provided by the Court Support Services Division (CSSD) (including the pretrial family violence education, EVOLVE and EXPLORE programs) and DOC; (2) consider the Pew-MacArthur Results First Initiative's cost-benefit analysis model with respect to each program; and (3) determine whether any changes may be implemented to improve the programs' cost-effectiveness.

The act also requires the chief court administrator and the commissioner to report to the

Appropriations and Judiciary committees by June 30, 2014 on the assessment, any program changes, and recommendations to improve the program's cost-effectiveness.

EFFECTIVE DATE: Upon passage

## **DRUGS**

### ***Counterfeit Controlled Substances***

[PA 13-305](#) prohibits anyone from knowingly possessing, purchasing, or transferring a controlled substance which, or the container or labeling of which, without authorization, indicates someone other than its true manufacturer, distributor, or dispenser (i.e., "counterfeit substance").

Existing law already prohibits several actions related to counterfeit or misbranded drugs.

EFFECTIVE DATE: January 1, 2014

### ***Electronic Prescription Drug Monitoring Program***

[PA 13-172](#) expands the Department of Consumer Protection's (DCP) electronic prescription drug monitoring program by requiring prescription information reporting by (1) out-of-state pharmacies that ship, mail, or deliver prescription drugs into the state and (2) any other drug dispensing practitioner. The act exempts physicians from having to report dispensing samples of

controlled substances to patients and [PA 13-208](#) makes additional exemptions.

The act makes a number of other changes to the program including allowing the DCP commissioner to identify additional products to include and requiring more frequent reporting.

EFFECTIVE DATE: Upon passage

## **EMERGENCY RESPONDERS**

### ***Authority of Fire Chiefs at Certain State Facilities***

[PA 13-145](#) gives the UConn and Southbury Training School fire chiefs, or anyone serving as fire officer-in-charge for these entities, the same authority as their municipal counterparts when responding to a fire, service call, or other emergency in their jurisdiction. The UConn fire chief oversees both the UConn Storrs campus and UConn Health Center.

EFFECTIVE DATE: October 1, 2013

### ***Disobeying Fire Police Performing Their Duties***

[PA 13-271, § 54](#), makes it an infraction to disobey the signals of a fire police officer directing traffic while performing his or her duties. By law, fire police officers may direct traffic at the scene of a fire, at a fire drill, or any other time fire police are serving with a fire department.

EFFECTIVE DATE: October 1, 2013

***Emergency Medical Service Personnel Standards of Conduct***

[PA 13-306](#) expands the grounds upon which the Department of Public Health (DPH) commissioner may take disciplinary action against emergency medical technicians (EMTs), advanced EMTs, emergency medical responders, and emergency medical services (EMS) instructors. It generally allows her to take action against them for the same conduct for which she may already discipline paramedics, such as felony convictions, alcohol or drug abuse, and negligence in professional activities. By law, EMTs, advanced EMTs, emergency medical responders, and EMS instructors must be certified by DPH.

EFFECTIVE DATE: October 1, 2013

***Emergency Medical Services Primary Area Task Force***

[PA 13-306](#) creates, within available appropriations, a 15-member Connecticut EMS primary service area task force within DPH. Among other things, the task force must review the process (1) for designating and changing primary service areas and (2) by which municipalities can petition to change or remove a primary service area responder. The act requires the task force to report its recommendations to the Public Health Committee by February 15, 2014. (By law, a

“primary service area” is a specific geographic area to which DPH assigns a designated EMS provider for each category of emergency medical response services.)

EFFECTIVE DATE: Upon passage

***Fire Station Work Zones***

[PA 13-200](#) allows a municipality to designate fire station work zones and doubles the basic fines for speeding or committing certain other traffic violations in any such conspicuously designated zone where a uniformed firefighter is directing traffic.

EFFECTIVE DATE: October 1, 2013

***New England Disaster Training Center Activity Account***

[PA 13-113](#) establishes the New England Disaster Training Center activity account as a separate, nonlapsing General Fund account and authorizes the adjutant general to use the money in the account to operate the New England Disaster Training Center. The account must contain any money (1) the law requires to be deposited in it or (2) obtained from the proceeds of the center’s operational activities. The act also authorizes the adjutant general to apply for and accept public or private gifts, grants, and donations to fund the account.

EFFECTIVE DATE: July 1, 2013

## **GUN VIOLENCE RESPONSE**

### ***Gun Laws***

**PA 13-3**, as amended by **PA 13-220**, makes numerous changes in the laws governing firearms. The major changes pertain to assault weapons, handguns (pistols and revolvers), long guns (rifles and shotguns), and large capacity magazines (LCM).

The acts, among other things:

1. expand the ban on assault weapons, but allow owners of weapons that were previously owned legally to register them with DESPP to keep them;
2. generally ban the sale or purchase of LCMs that can hold more than 10 rounds of ammunition, but allow owners of LCMs that were previously owned legally to declare them to the Department of Emergency Services and Public Protection (DESPP) to keep them;
3. add requirements for long gun sales, including imposing age restrictions for retail sales, creating a long gun eligibility certificate, and regulating private sales;
4. mandate the establishment of a deadly weapon offender registry to register offenders who committed crimes with a deadly weapon;
5. generally ban the sale of armor-piercing bullets;
6. increase penalties for many gun-related crimes;
7. add two members to the Board of Firearms Permit Examiners;
8. expand the circumstances in which mental health history disqualifies a person for gun permits or other gun credentials;
9. require anyone buying ammunition to have an ammunition certificate or other gun credential; and
10. appropriate \$1 million to DESPP for FY 14 to fund the statewide firearms trafficking task force.

EFFECTIVE DATE: Various

### ***Mental Health Services***

Among its mental health provisions, **PA 13-3** creates a 20-member task force to study the provision of behavioral health services in Connecticut and report to the legislature by February 1, 2014. It also requires the Department of Mental Health and Addition Services to:

1. administer a mental health first aid training program, in consultation with the State Department of Education;
2. implement an assertive community treatment program in three additional cities (programs currently operate in Manchester, Middletown, New Britain, and Norwich); and
3. provide case management and care coordination services to up to 100

people with mental illness who are involved in the probate court system and are not receiving these services.

The act requires the DCF commissioner, by January 1, 2014, to establish and implement a regional behavioral health consultation and care coordination program for primary care providers who serve children.

It makes various changes to the process for grieving adverse determinations (e.g., claims denials) by health insurers.

EFFECTIVE DATE: Various

### ***Project Longevity***

[PA 13-247, § 25](#), requires the Office of Policy and Management (OPM) secretary to secure and use available federal and state funds and resources to (1) support the continued implementation of the Project Longevity initiative in New Haven and (2) work with specified federal and state officials to implement the initiative in Hartford and Bridgeport and create a plan to implement it state-wide.

“Project Longevity,” launched in New Haven in 2012, is a comprehensive community-based initiative designed to reduce gun violence in Connecticut’s cities.

EFFECTIVE DATE: July 1, 2013

### ***School Safety***

Among its provisions related to school safety, [PA 13-3](#):

1. creates a council to establish new school safety infrastructure standards;
2. authorizes up to \$15 million in bonds for a new competitive grant program for school safety projects;
3. establishes a procedure leading to new requirements under the school construction law;
4. requires school districts to perform a number of new school safety activities including establishing safety and security plans and committees for each school;
5. requires public and independent institutions of higher education to develop campus security plans, undergo safety audits, and form campus threat assessment teams;
6. requires mental health first aid training for school district staff;
7. gives safe school climate committees new responsibilities;
8. creates a school security consultant registry; and
9. changes the law regarding civil service testing for UConn and state university police.

EFFECTIVE DATE: Various

### **School Security Personnel**

[PA 13-188](#) (1) establishes requirements for municipalities and boards of education to hire active or retired police officers to provide armed security at public schools and (2) requires all armed school security to be active or retired police officers.

EFFECTIVE DATE: Upon passage

### **JUVENILE PROGRAMS**

#### ***Hartford Youth Program Inventory***

[PA 13-268](#) requires CSSD, within available resources, to collaborate with at least one private community-based service provider in Hartford to (1) inventory Hartford programs designed to promote positive youth development and reduce youth contact with the juvenile justice system and (2) design a process to identify and refer at-risk youth to such programs. The chief court administrator must report to the Judiciary Committee on the inventory and process by February 1, 2014.

EFFECTIVE DATE: Upon passage

#### ***Pilot Programs***

[PA 13-302](#) requires CSSD, within available resources and in collaboration with certain government and community organizations, to conduct a pilot program in Bridgeport, Hartford, and New Haven to reduce:

1. the number of children and youth who come into contact with the juvenile justice system and
2. recidivism among those who are delinquents.

The chief court administrator must report to the Judiciary and Childrens' committees by February 1, 2014 on the program.

EFFECTIVE DATE: July 1, 2013

### **LAW ENFORCEMENT**

#### ***"Blue Alerts"***

[PA 13-24](#) requires DESPP to establish an emergency alert system to help law enforcement agencies (1) apprehend anyone suspected of killing or seriously injuring a peace officer or (2) locate a missing peace officer. (The system is commonly known as "Blue Alert.") DESPP must develop and implement policies and procedures for operating and administering the system.

EFFECTIVE DATE: October 1, 2013

#### ***Civil Immigration Detainers***

[PA 13-155](#) establishes the procedures state and local law enforcement officers must follow when they receive a civil immigration detainer regarding a person in their custody.

Specifically, the act prohibits detaining the person unless the officer determines that specified public safety risk factors exist. It also requires law enforcement officers, upon determining

whether to detain or release the person, to immediately notify U.S. Immigration and Customs Enforcement (ICE). If the person is to be detained, the officer must inform ICE that he or she will be held for up to 48 hours (excluding Saturdays, Sundays, and federal holidays). If ICE fails to take custody of the person within 48 hours, the officer must release the individual. The act prohibits holding a person for longer than 48 hours solely on the basis of a civil immigration detainer under any circumstances.

EFFECTIVE DATE: January 1, 2014

### ***Communication During Active Shooting and Other Incidents***

Beginning October 1, 2013, [PA 13-221](#) establishes a framework for disseminating information on incidents involving numerous victims or casualties to police statewide. The act allows the police chief or superintendent of the department in the municipality where any such incident occurs or, where there is no local police department, the State Police troop commander having jurisdiction over the municipality, to notify the DESPP commissioner of the incident. The commissioner must then, using any means he deems appropriate, notify the state's local police departments and state police troops of the incident, where and when it

occurred, and any other information deemed appropriate.

By October 1, 2013, the act requires DESPP, in conjunction with the Police Officer Standards and Training Council (POST), to adopt a written policy about the type of information that must be disseminated and method of disseminating it.

EFFECTIVE DATE: Upon passage

### ***Failing to Stop for School Crossing Guards***

[PA 13-22](#) allows an on-duty school crossing guard to file a written report with police about a motorist who fails to stop for the guard. A police officer can issue a written warning or summons to the vehicle owner. The report must specify the (1) vehicle color, type, and license plate number and (2) date, approximate time, and location of the violation.

The act also alters the fine for a motor vehicle operator's first-time failure to stop for a school crossing guard.

EFFECTIVE DATE: October 1, 2013

### ***Law Enforcement Dogs***

[PA 13-39](#) exempts from the pet shop licensing requirement people who acquire dogs to resell them to the military or a law enforcement agency for law enforcement or security work. Thus, these people will no longer be subject to the Department of Agriculture's pet shop regulations governing sanitation, animal health and welfare, and the protection of public safety.

EFFECTIVE DATE: Upon passage

### ***Motor Vehicle Inspectors' Powers***

[PA 13-271, §§ 1 & 42](#), allows sworn Department of Motor Vehicle (DMV) inspectors to administer oaths and serve search warrants when discharging their duties according to law.

EFFECTIVE DATE: July 1, 2013

### ***Municipal Police Officer Training***

[PA 13-190](#) allows POST to (1) develop an interactive electronic computer platform capable of administering training courses and (2) authorize police officers to complete certified review training at a local police department facility by means of the platform. By law, police officers under POST's jurisdiction must complete at least 40 hours of certified review training every

three years in order to maintain certification, unless the council grants a one-year extension.

EFFECTIVE DATE: October 1, 2013

### ***New Haven Pilot Program on Liquor Permits***

[SA 13-4](#) extends by six months, from December 31, 2013 to June 30, 2014, a pilot program in New Haven that allows the police chief to submit written comments to DCP, and requires DCP to consider them, regarding applicants for a liquor permit that allows on-premises serving and consumption of alcohol.

EFFECTIVE DATE: Upon passage

### ***Notification by Wreckers***

The law requires a licensed wrecker to notify the local police department within two hours of towing a motor vehicle from private property. [PA 13-271, § 29](#), requires the (1) notification to be in writing or sent by fax or email and (2) wrecker to retain the notification record as required by law.

EFFECTIVE DATE: July 1, 2013

### ***Policing On Indian Tribal Land***

[PA 13-170](#) authorizes the DESPP commissioner, upon the chief state's attorney's approval, to enter into separate memoranda of agreement with the Mohegans and Mashantucket Pequot to establish the authority of each tribe's police

department and police officers to exercise law enforcement powers, subject to training and certification by POST. The act requires the DESPP commissioner to submit a copy of any such agreement to the legislative leaders and the Government Administration and Elections and Public Safety and Security committees.

The act gives the commissioner and chief state's attorney joint authority to revoke any such agreement. They can enter into and revoke an agreement despite an existing law that requires the legislature to execute and approve compacts between the tribes and state.

EFFECTIVE DATE: Upon passage

### ***Resident State Policeman Pilot Program***

[PA 13-281](#) requires the DESPP commissioner to appoint a resident state policeman to serve in a pilot program for assignment in two towns that (1) do not have local organized police or constabulary and (2) are within the jurisdiction of the same state police troop, but are not necessarily contiguous. Under prior resident state trooper law, the participating towns had to be adjoining.

The act requires towns participating in the pilot to enter into a memorandum of agreement with DESPP for resident state trooper services.

As under existing law, towns participating in the pilot pay 70% of regular costs and other expenses of maintaining a resident state trooper and 100% of overtime costs and fringe benefits directly associated with overtime costs.

EFFECTIVE DATE: October 1, 2013

### ***Traffic Stop Information and Profiling***

[PA 13-78](#) extends to more law enforcement officers and departments the requirements to (1) collect and report certain traffic stop information and (2) adopt and follow a profiling policy. These requirements already apply to the state police and municipal police departments.

The act also makes changes to the standardized method and forms that OPM must develop by July 1, 2013 and law enforcement officers must use to record and report traffic stop data and complaints. The act:

1. requires officers to record additional details about a traffic stop;
2. excuses officers from collecting data in certain circumstances; and
3. requires OPM to submit, by January 1, 2014, a second progress report on developing the standardized method and guidelines for data recording and reporting to the Judiciary and Public Safety and Security

committees, African-American Affairs Commission, Latino and Puerto Rican Affairs Commission, and Legislative Black and Puerto Rican Caucus.

Beginning October 1, 2013, the act requires departments to report the data in monthly reports, rather than an annual summary report. It requires departments to submit this data in an OPM-prescribed format and to do so electronically beginning January 1, 2015 or earlier if practicable.

The act extends, from January 1 to July 1, 2014, the deadline for OPM's first annual report reviewing traffic stop data and complaints.

EFFECTIVE DATE: October 1, 2013

## **MOTOR VEHICLE-RELATED CRIMES**

### ***Motor Vehicle Repair Shops***

[PA 13-271, §§ 45-49](#), makes a violation of the laws governing motor vehicle repair shops an infraction and makes it a class B misdemeanor (see Table on Penalties) if a repair shop knowingly makes a false or misleading statement to a customer or charges a customer for repairs it has not made.

EFFECTIVE DATE: October 1, 2013

### ***Odometer Tampering***

[PA 13-271, § 25](#), prohibits anyone who sells a motor vehicle at auction from selling a vehicle whose odometer was turned back or changed during the time it was owned immediately prior to the auction. It subjects the auctioneer to the same penalties imposed on those who turn back or change odometer readings. The penalties include a fine of up to \$2,000, up to one year in prison, or both; triple damages or \$1,500, whichever is greater; court costs and reasonable attorney's fees; and a civil penalty of up to \$1,000 per violation (CGS § 14-106b). A violation is also an unfair trade practice.

EFFECTIVE DATE: July 1, 2013

### ***Taxi Industry***

[PA 13-277, §§ 77-79](#), makes several changes to the laws governing the taxicab industry. It makes it a class A misdemeanor (see Table on Penalties) to advertise taxi services without holding a certificate or getting authority to operate a taxi from a certificate holder. Under existing law, anyone who operates a taxi without a certificate or proper authority, or allows an unauthorized person to operate one under his or her control, is guilty of such a crime.

EFFECTIVE DATE: July 1, 2013

### ***Tow Trucks and Wreckers***

[PA 13-271, § 26](#), alters which individuals or entities that operate tow trucks or wreckers are subject to and exempt from licensing, registration, and equipment requirements. It imposes penalties on people, firms, corporations, or associations that violate the laws pertaining to wrecker licensing, registration, equipment, or other matters. A first offense is an infraction; subsequent offenders face a fine of up to \$250, up to 30 days in prison, or both.

EFFECTIVE DATE: October 1, 2013

## **PAROLE AND PROBATION**

### ***Interstate Compact for Adult Offender Supervision***

[PA 13-164](#) eliminates the DOC commissioner's duty to act as the state's administrator of the Interstate Compact for Adult Offender Supervision. The compact administrator is the person in each member state who is responsible for administering and managing the state's supervision and transfer of offenders under the compact (CGS § 54-133).

By law, each compact member state can determine the qualifications of the compact administrator, who is appointed by the state's Council for Interstate Adult Offender

Supervision or the governor in consultation with the legislature and judiciary.

EFFECTIVE DATE: July 1, 2013

### ***Parole Release Hearings***

[PA 13-247, § 376](#), makes discretionary, rather than mandatory, parole boards hearings for:

1. non-violent offenders who have served 75% of their sentences minus any risk reduction credits (by law, these offenders are eligible for parole after serving 50% of their sentences minus risk reduction credits) and
2. violent offenders and those convicted of home invasion or 2<sup>nd</sup> degree burglary who have served 85% of their sentences (by law, these offenders are eligible for parole after serving 85% of their sentences).

If the board does not hold one of these hearings, the act requires it to document and provide the offender with the specific reasons why it chose not to hold a hearing.

EFFECTIVE DATE: July 1, 2013

### ***Probation Appointments for Certain DUI Offenders***

By law, a person with a second DUI conviction may operate only a motor vehicle equipped with an ignition interlock device for three years after the end of his or her 45-day license suspension. Prior law

additionally limited the driver, during the first year of this three-year period, to driving such vehicles only to or from (1) work, (2) school, (3) an alcohol or drug abuse treatment program, or (4) an ignition interlock service center.

[PA 13-271, §§ 51-53](#), allows these offenders to also drive to an appointment with a probation officer during the first year. The commissioner must note this restriction on the driver's electronic record, as she does for the other ignition interlock restrictions.

EFFECTIVE DATE: July 1, 2013

## **PRISONS AND PRISONERS**

### ***Contracts Between the State and Municipalities with Prisons***

[PA 13-152](#) allows a municipal legislative body to seek an amendment to a contract that (1) is in effect between the municipality and a state agency and (2) relates to a correctional facility within the municipality that the state owns or leases and DOC commissioner supervises.

EFFECTIVE DATE: Upon passage

### ***Inmate Discharge Savings Accounts***

[PA 13-69](#) makes a number of changes regarding compensation inmates earn performing jobs. Among other things, it:

1. requires the DOC commissioner to perform

the duties associated with inmate compensation previously performed by individual facility administrators;

2. eliminates the requirement that each inmate have an individual bank account and instead requires the commissioner to direct inmates' compensation to a bank account or an account that the state treasurer administers; and
3. limits the inmate discharge savings program to sentenced inmates incarcerated in Connecticut.

EFFECTIVE DATE: July 1, 2013

### ***Renewable Energy***

[PA 13-267](#) allows the DOC commissioner, within available resources, to conduct a pilot program to use renewable energy sources at one or more correctional facilities for space heating and cooling, domestic hot water, and other applications. Energy produced under the program must be allocated to the facility any any excess energy benefits the municipality where the facility is located. If the commissioner conducts the program, he must report on it, within one year of it becoming operational, to the Appropriations, Energy, and Judiciary committees.

EFFECTIVE DATE: July 1, 2013

### ***Residential Stays in Prisons***

[PA 13-165](#) extends to additional inmates the opportunity to remain at a correctional institution beyond a maximum sentence term. It allows inmates to ask to remain for up to 30 days after their discharge date (1) if the treatment program or health care institution to which they are to be discharged is unable to accept them on the discharge date or (2) for any compelling reason consistent with their rehabilitation or treatment. By law, inmates participating in a state program or DOC drug or work or education release program may request an extended stay of up to 90 days.

EFFECTIVE DATE: July 1, 2013

### **REGULATED ACTIVITIES**

#### ***Mixed Martial Arts***

[PA 13-259](#) legalizes amateur and professional mixed martial arts (MMA), exempting it, like boxing, from the ban on prize fights. It generally subjects MMA matches to the laws governing professional boxing, including those pertaining to regulation by DESPP, licensing, taxes, ticket prices, minimum age limits, and violations.

EFFECTIVE DATE: October 1, 2013

### ***Precious Metals or Stones Dealers Licensing and Record Keeping***

[PA 13-255](#) requires licensed precious metals or stones dealers to record and retain additional information about property acquired from people other than wholesalers.

By law, dealers are licensed by the police chief, or for any city or town that does not have an organized local police department, the DESPP commissioner.

The new requirements primarily concern (1) property acquisition records and (2) information dealers must periodically supply to the licensing authorities. The act exempts bullion and coin sales from certain new recording and retention requirements required for other property. It requires dealers to hold property for at least 10 days after the transaction.

The act also (1) allows police officers examining records on-site to require employees to provide identification and (2) establishes a two-year record retention period. By law, police officers may already examine records on-site.

Those violating the new requirements are subject to fines of up to \$1,000 and existing licensing penalties (i.e., license revocation).

EFFECTIVE DATE: October 1, 2013

## **SEXUAL EXPLOITATION AND TRAFFICKING IN PERSONS**

### ***Forfeiture of Funds and Property***

The law subject funds and property related to certain sexual exploitation and human trafficking crimes to forfeiture. [PA 13-166](#) (1) subjects funds and property related to prostitution, 3<sup>rd</sup> degree promoting prostitution, and commercial sexual exploitation of a minor to forfeiture and (2) requires proceeds from an auction of forfeited property that remain after paying liens and costs to be deposited in the Criminal Injuries Compensation Fund, rather than the General Fund.

EFFECTIVE DATE: October 1, 2013

### ***Trafficking and Prostitution Crimes***

[PA 13-166](#) makes a number of changes related to trafficking and prostitution crimes including:

1. expanding the crime of trafficking in persons;
2. increasing the penalty for patronizing a prostitute from a class A misdemeanor (see Table on Penalties) to a class C felony when the actor knew or reasonably should have known at the time of the offense that the prostitute was (a) under age 18 or (b) the victim of conduct amounting to a crime of

trafficking in persons under state law or involuntary servitude, slavery, or trafficking under federal law;

3. allowing anyone convicted of prostitution to apply to Superior Court to vacate the conviction because he or she was a victim of conduct amounting to a crime of trafficking in persons under state law or involuntary servitude, slavery, or trafficking under federal law; and
4. making changes to defenses to a prostitution charge.

The act also alters the Trafficking in Persons Council's membership and requires it to report on deficiencies in the statutes relating to trafficking and propose legislation to address them.

EFFECTIVE DATE: October 1, 2013, except the provision on the Trafficking in Persons Council is effective upon passage.

### ***Victim Services***

[PA 13-166](#) requires the:

1. Office of the Chief Court Administrator to develop a concise notice about services for human trafficking victims and requires truck stops and certain establishments serving alcohol to post it in a conspicuous location where sales occur and
2. Office of Victim Services (OVS) to (a) analyze the

compensation and restitution services provided to victims of sexual exploitation and human trafficking and recommend legislation to enhance them and (b) report its findings to the Judiciary Committee by January 15, 2014.

EFFECTIVE DATE: October 1, 2013, except the provision on the OVS report is effective upon passage.

## **OTHER**

### ***Certain Crime Records Exempt from the Freedom of Information Act (FOIA)***

[PA 13-311](#) exempts, from disclosure under FOIA, a photograph, film, video, digital, or other visual image depicting a homicide victim, to the extent that the record could reasonably be expected to constitute an unwarranted invasion of the victim's or surviving family members' personal privacy.

It also exempts from disclosure under FOIA, (1) law enforcement records, compiled in detecting or investigating a crime, that would disclose the identity of minor witnesses and (2) the portion of a recording or audio tape that describes a homicide victim's condition. The audio recording exemption (1) does not extend to 9-1-1 or other calls for assistance made by a

member of the public to a law enforcement agency and (2) expires on May 7, 2014.

The act creates a task force to make recommendations on the balance between victims' privacy under FOIA and the public's right to know, which must report to the legislative leaders by January 1, 2014.

EFFECTIVE DATE: Upon passage

### ***Distracted Driving***

Three acts make changes to the distracted driving law that bans using hand-held cell phones or mobile electronic devices while driving.

1. [PA 13-277, § 10](#), expands the ban to include when a vehicle is temporarily stopped because of traffic, road conditions, or traffic control signs or signals.
2. [PA 13-271, §§ 2, 37, & 60](#), increases the fines for violating the ban, makes other changes to the law, and creates a task force to study prevention of distracted driving.
3. [PA 13-92, § 10](#), doubles the basic fines for drivers who violate the ban in a highway work zone.

EFFECTIVE DATE: October 1, 2013, except the task force provision is effective upon passage.

### ***Medal of Bravery***

[PA 13-247, § 113](#), authorizes the DESPP commissioner to award a Connecticut Medal of

Bravery directly or posthumously to any Connecticut citizen in recognition of (1) a valorous and heroic deed performed in saving a life or (2) injury or death or threat of such incurred (a) in service to Connecticut or the person's community or (b) on behalf of the health, welfare, or safety of other persons. Any person can submit recommendations for who should receive the award.

EFFECTIVE DATE: October 1, 2013

### ***Municipal Ordinances on Dirt Bikes, All-Terrain Vehicles (ATVs), and Snowmobiles***

[PA 13-154](#) increases the maximum fines allowed for violations of municipal ordinances regulating certain dirt bike, ATV, and snowmobile use.

EFFECTIVE DATE: October 1, 2013

### ***Public Nuisance***

[PA 13-174](#) broadens the circumstances in which the nuisance abatement law applies by adding various firearm-related offenses and other crimes and certain municipal ordinance violations to the list of violations that can trigger the law. The act makes other changes including lowering the state's burden of proof.

Under the public nuisance abatement law, the state can file civil suits seeking various forms of relief when there are three or more arrests, or three or more arrest warrants indicating a

pattern of criminal activity, for specified offenses at a property within the last year. Among other things, the law allows courts to order the property closed until the nuisance is eliminated.

EFFECTIVE DATE: October 1, 2013, except certain technical changes are effective January 1, 2015.

### ***Sex Offender Registration During Temporary Leave***

[PA 13-73](#) requires persons found not guilty of crimes due to mental disease or defect who are granted temporary leave by the Psychiatric Security Review Board to register as sex offenders if the crime for which they were acquitted requires sex offender registration.

EFFECTIVE DATE: July 1, 2013

### ***Tax Amnesty Program***

[PA 13-184, § 70](#), requires the Department of Revenue Services (DRS) commissioner to establish a tax amnesty program for taxpayers that owe Connecticut state taxes (other than motor carrier road taxes) to DRS. The amnesty runs from September 16, 2013 to November 15, 2013 and covers any taxable period ending on or before November 30, 2012. If a taxpayer files the application during the amnesty period and pays all the taxes owed for the applicable tax periods, plus interest, the commissioner must waive

applicable civil penalties and  
refrain from seeking criminal  
prosecution for those periods.

EFFECTIVE DATE: July 1,  
2013

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