



General Assembly

Substitute Bill No. 1033

January Session, 2015



AN ACT CONCERNING COURT OPERATIONS.

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

1 Section 1. Subsection (a) of section 7-465 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2015*):

4 (a) Any town, city or borough, notwithstanding any inconsistent
5 provision of law, general, special or local, shall pay on behalf of any
6 employee of such municipality, except firemen covered under the
7 provisions of section 7-308, and on behalf of any member from such
8 municipality of a local emergency planning district, appointed
9 pursuant to section 22a-601, all sums which such employee becomes
10 obligated to pay by reason of the liability imposed upon such
11 employee by law for damages awarded for infringement of any
12 person's civil rights or for physical damages to person or property,
13 except as set forth in this section, if the employee, at the time of the
14 occurrence, accident, physical injury or damages complained of, was
15 acting in the performance of his duties and within the scope of his
16 employment, and if such occurrence, accident, physical injury or
17 damage was not the result of any wilful or wanton act of such
18 employee in the discharge of such duty. This section shall not apply to
19 physical injury to a person caused by an employee to a fellow
20 employee while both employees are engaged in the scope of their

21 employment for such municipality if the employee suffering such
22 injury or, in the case of his death, his dependent, has a right to benefits
23 or compensation under chapter 568 by reason of such injury. If an
24 employee or, in the case of his death, his dependent, has a right to
25 benefits or compensation under chapter 568 by reason of injury or
26 death caused by the negligence or wrong of a fellow employee while
27 both employees are engaged in the scope of their employment for such
28 municipality, such employee or, in the case of his death, his
29 dependent, shall have no cause of action against such fellow employee
30 to recover damages for such injury or death unless such wrong was
31 wilful and malicious or the action is based on the fellow employee's
32 negligence in the operation of a motor vehicle, as defined in section 14-
33 1. This section shall not apply to libel or slander proceedings brought
34 against any such employee and, in such cases, there is no assumption
35 of liability by any town, city or borough. Any employee of such
36 municipality, although excused from official duty at the time, for the
37 purposes of this section shall be deemed to be acting in the discharge
38 of duty when engaged in the immediate and actual performance of a
39 public duty imposed by law. Such municipality may arrange for and
40 maintain appropriate insurance or may elect to act as a self-insurer to
41 maintain such protection. No action for personal physical injuries or
42 damages to real or personal property shall be maintained against such
43 municipality and employee jointly unless such action is commenced
44 within two years after the cause of action therefor arose and written
45 notice of the intention to commence such action and of the time when
46 and the place where the damages were incurred or sustained has been
47 filed with the clerk of such municipality within six months after such
48 cause of action has accrued. Governmental immunity shall not be a
49 defense in any action brought under this section. In any such action the
50 municipality and the employee may be represented by the same
51 attorney; [if the municipality, at the time such attorney enters his
52 appearance, files a statement with the court, which shall not become
53 part of the pleadings or judgment file, that it will pay any final
54 judgment rendered in such action against such employee. No mention
55 of any kind shall be made of such statement by any counsel during the

56 trial of such action.] As used in this section, "employee" includes (1) a
57 member of a town board of education and any teacher, including a
58 student teacher doing practice teaching under the direction of such a
59 teacher, or other person employed by such board, and (2) a member of
60 the local emergency planning committee from such municipality
61 appointed pursuant to section 22a-601. Nothing in this section shall be
62 construed to abrogate the right of any person, board or commission
63 which may accrue under section 10-235.

64 Sec. 2. Subsection (l) of section 8-8 of the general statutes is repealed
65 and the following is substituted in lieu thereof (*Effective October 1,*
66 *2015*):

67 (l) The court, after a hearing thereon, may reverse or affirm, wholly
68 or partly, or may [modify or revise the decision appealed from. If a
69 particular board action is required by law, the court, on sustaining the
70 appeal, may render a judgment that modifies the board decision or
71 orders the particular board action] revise, modify or remand the
72 decision from which the appeal was taken in a manner consistent with
73 the evidence in the record before it. In an appeal from an action of a
74 planning commission taken under section 8-29, the court may also
75 reassess any damages or benefits awarded by the commission. Costs
76 shall be allowed against the board if the decision appealed from is
77 reversed, affirmed in part, modified or revised.

78 Sec. 3. Subsection (a) of section 22a-43a of the general statutes is
79 repealed and the following is substituted in lieu thereof (*Effective*
80 *October 1, 2015*):

81 (a) The court, after a hearing, may reverse or affirm, wholly or
82 partly, or may revise, modify or remand the decision from which the
83 appeal was taken in a manner consistent with the evidence in the
84 record before it. If upon appeal pursuant to section 22a-43, the court
85 finds that the action appealed from constitutes the equivalent of a
86 taking without compensation, [it] the court (1) shall set aside the action
87 or [it] may modify the action so that it does not constitute a taking_z [. In

88 both instances the court] and (2) shall remand the order to the inland
89 wetland agency for action not inconsistent with its decision.

90 Sec. 4. Subsection (a) of section 46b-22 of the general statutes is
91 repealed and the following is substituted in lieu thereof (*Effective from*
92 *passage*):

93 (a) Persons authorized to solemnize marriages in this state include
94 (1) all judges and retired judges, either elected or appointed, including
95 federal judges and judges of other states who may legally join persons
96 in marriage in their jurisdictions, (2) family support magistrates,
97 family support referees, state referees and justices of the peace who are
98 appointed in Connecticut, and (3) all ordained or licensed members of
99 the clergy, belonging to this state or any other state, as long as they
100 continue in the work of the ministry. All marriages solemnized
101 according to the forms and usages of any religious denomination in
102 this state, including marriages witnessed by a duly constituted
103 Spiritual Assembly of the Baha'is, are valid. All marriages attempted to
104 be celebrated by any other person are void.

105 Sec. 5. Section 46b-22a of the general statutes is repealed and the
106 following is substituted in lieu thereof (*Effective from passage*):

107 (a) All marriages celebrated before June 6, 2014, otherwise valid
108 except that the justice of the peace joining such persons in marriage
109 did not have a valid certificate of qualification, are validated, provided
110 the justice of the peace who joined such persons in marriage
111 represented himself or herself to be a duly qualified justice of the peace
112 and such persons reasonably relied upon such representation.

113 (b) All marriages celebrated before the effective date of this section,
114 otherwise valid except that the family support referee joining such
115 persons in marriage did not have explicit statutory authority to
116 solemnize marriages in this state, are validated, provided the family
117 support referee who joined such persons in marriage represented
118 himself or herself to be a duly qualified family support referee and

119 such persons reasonably relied upon such representation.

120 Sec. 6. Section 46b-225 of the general statutes is repealed and the
121 following is substituted in lieu thereof (*Effective October 1, 2015*):

122 Any judicial marshal may serve a *capias mittimus* or a copy thereof
123 made by any photographic, micrographic, electronic imaging or other
124 process, which clearly and accurately copies such original document,
125 on any person who is in the custody of the marshal or is in a
126 courthouse where the marshal provides courthouse security if such
127 *capias mittimus* was issued in a child support matter by (1) a court or a
128 family support magistrate pursuant to subdivision (8) of subsection (a)
129 of section 17b-745 or subparagraph (C) of subdivision (8) of subsection
130 (a) of section 46b-215; or (2) a family support magistrate pursuant to
131 subdivision (1) of subsection (m) of section 46b-231.

132 Sec. 7. Subsection (a) of section 47a-23a of the general statutes is
133 repealed and the following is substituted in lieu thereof (*Effective*
134 *October 1, 2015*):

135 (a) If, at the expiration of the three days prescribed in section 47a-23,
136 the lessee or occupant neglects or refuses to quit possession or
137 occupancy of the premises, any commissioner of the Superior Court
138 may issue a writ, summons and complaint which shall be in the form
139 and nature of an ordinary writ, summons and complaint in a civil
140 process, but which shall set forth facts justifying a judgment for
141 immediate possession or occupancy of the premises and make a claim
142 for possession or occupancy of the premises. If the claim is for the
143 possession or occupancy of nonresidential property, the writ,
144 summons and complaint shall also make a claim for the forfeiture to
145 the plaintiff of the possessions and personal effects of the defendant in
146 accordance with section 47a-42a. If the plaintiff has properly issued a
147 notice to quit possession to an occupant by alias, if permitted to do so
148 by section 47a-23, and has no further identifying information at the
149 time of service of the writ, summons and complaint, such writ,
150 summons and complaint may also name and serve such occupant or

151 occupants as defendants. In any case in which service is to be made
152 upon an occupant or occupants identified by alias, the complaint shall
153 contain an allegation that the plaintiff does not know the name of such
154 occupant or occupants. Such complaint shall be returnable to the
155 Superior Court. Such complaint may be made returnable six days,
156 inclusive, after service upon the defendant and shall be returned to
157 court at least three days before the return day. Such complaint may be
158 served on any day of the week. [Notwithstanding the provisions of
159 section 52-185 no recognizance shall be required of a complainant
160 appearing pro se.]

161 Sec. 8. Subsection (a) of section 51-52 of the general statutes is
162 repealed and the following is substituted in lieu thereof (*Effective*
163 *October 1, 2015*):

164 (a) Clerks shall: (1) Receive the files, processes and documents
165 returnable to their court locations, (2) make records of all proceedings
166 required to be recorded, (3) have the custody of the active files and
167 records of the court, (4) have the custody of the records of the former
168 county court within their districts, (5) have the custody of and keep
169 safely in the appropriate office, or store as provided in subsection (b)
170 of this section, as records of the court, all judicial files, records and
171 dockets belonging to or concerning the office of justices of the peace
172 and trial justices, judges of borough, city, town and police courts, the
173 traffic court of Danbury, the Circuit Court and the Court of Common
174 Pleas, or belonging to or concerning such courts, including record
175 books kept by town clerks under the provisions of sections 51-101 and
176 51-106 of the general statutes, revision of 1958, (6) make and keep
177 dockets of causes in their court locations, (7) issue executions on
178 judgments, (8) collect and receive all fines and forfeitures imposed or
179 decreed by the court, including fines paid after commitment, (9) collect
180 and receive monetary contributions made to the Criminal Injuries
181 Compensation Fund pursuant to section 54-56h, (10) account for and
182 pay or deposit all fees, fines, forfeitures and contributions made to the
183 Criminal Injuries Compensation Fund and the proceeds of judgments

184 of their office in the manner provided by sections 4-32 and 51-56a, [(11)
185 file with the Reporter of Judicial Decisions copies of memoranda of
186 decisions in Superior Court cases, as provided in section 51-215a,] and
187 [(12)] (11) perform all other duties imposed on them by law.

188 Sec. 9. Section 51-60 of the general statutes is repealed and the
189 following is substituted in lieu thereof (*Effective October 1, 2015*):

190 (a) The judges of the Superior Court shall appoint [one skillful
191 stenographer for each judicial district to be the official court reporter of
192 the Superior Court therein, and shall appoint as many stenographers
193 to be assistant] official court reporters for the court as the judges or an
194 authorized committee thereof determines the business of the court
195 requires.

196 (b) A person shall not be appointed a court reporter under the
197 provisions of this section who has not passed the entry level
198 examination provided for under section 51-63 and a reporter shall not
199 be placed in the higher court reporter salary classification who has not
200 passed the examination provided for in said section for such higher
201 classification, provided each person serving on July 1, 1978, as a court
202 reporter or assistant court reporter in the Court of Common Pleas shall
203 continue to serve in the Superior Court for the balance of the term for
204 which he was appointed. In no event shall the compensation of such
205 person be affected solely as a result of the transfer of jurisdiction
206 provided in section 51-164s.

207 Sec. 10. Section 51-195 of the general statutes is repealed and the
208 following is substituted in lieu thereof (*Effective October 1, 2015*):

209 Any person sentenced on one or more counts of an information to a
210 term of imprisonment for which the total sentence of all such counts
211 amounts to confinement for three years or more, may, within thirty
212 days from the date such sentence was imposed or if the offender
213 received a suspended sentence with a maximum confinement of three
214 years or more, within thirty days of revocation of such suspended

215 sentence, except in any case in which (1) a different sentence could not
216 have been imposed, [or in any case in which] (2) the sentence or
217 commitment imposed resulted from the court's acceptance of a plea
218 agreement, [or in any case in which] (3) the sentence imposed was for a
219 lesser term than was proposed in a plea agreement, or (4) the plea
220 agreement provides that the term of imprisonment will not exceed an
221 agreed upon maximum term, but provides that the person sentenced
222 may request a term of imprisonment lower than the agreed upon
223 maximum term, file with the clerk of the court for the judicial district
224 in which the judgment was rendered an application for review of the
225 sentence by the review division. Upon imposition of sentence or at the
226 time of revocation of such suspended sentence, the clerk shall give
227 written notice to the person sentenced of his right to make such a
228 request. Such notice shall include a statement that review of the
229 sentence may result in decrease or increase of the term within the
230 limits fixed by law. A form for making such application shall
231 accompany the notice. The clerk shall forthwith transmit such
232 application to the review division and shall notify the judge who
233 imposed the sentence. Such judge may transmit to the review division
234 a statement of his reasons for imposing the sentence, and shall transmit
235 such a statement within seven days if requested to do so by the review
236 division. The filing of an application for review shall not stay the
237 execution of the sentence.

238 Sec. 11. Section 51-215a of the general statutes is repealed and the
239 following is substituted in lieu thereof (*Effective October 1, 2015*):

240 [(a) The clerks of the Superior Court shall file with the Reporter of
241 Judicial Decisions copies of memoranda of decisions in Superior Court
242 cases. The reporter shall select therefrom for publication such decisions
243 as he deems will be useful as precedents or will serve the public
244 interest and shall prepare them for publication and index them in
245 substantial conformity with the manner in which decisions of the
246 Supreme Court are prepared and indexed. The decisions selected shall
247 be published by the Commission on Official Legal Publications in the

248 Connecticut Law Journal and in such bound volumes as the Reporter
249 of Judicial Decisions deems necessary.]

250 [(b)] The clerk of the Appellate Court shall file with the Reporter of
251 Judicial Decisions copies of memoranda of decisions in Appellate
252 Court cases. The reporter shall prepare all of the decisions for
253 publication and index them in substantial conformity with the manner
254 in which decisions of the Supreme Court are prepared and indexed.
255 The decisions shall be published by the Commission on Official Legal
256 Publications in the Connecticut Law Journal and in bound volumes.

257 Sec. 12. Subsection (b) of section 51-216a of the general statutes is
258 repealed and the following is substituted in lieu thereof (*Effective*
259 *October 1, 2015*):

260 (b) The commission shall acquire, publish, distribute and maintain
261 for the benefit of the state a sufficient supply of the official legal
262 publications, which shall consist of: (1) The Connecticut Reports
263 consisting of the reports of cases determined by the Supreme Court as
264 prepared for publication by the Reporter of Judicial Decisions, (2)
265 reports of cases determined by the Appellate Court as prepared for
266 publication by the Reporter of Judicial Decisions, (3) the Connecticut
267 Law Journal, (4) the Connecticut Practice Book and cumulative
268 supplements thereto, [(5) the digests compiled by or under the
269 supervision of the Reporter of Judicial Decisions pursuant to section
270 51-215b, and such other volumes of law reports and digests as the
271 Reporter of Judicial Decisions deems necessary, (6) such decisions of
272 the Superior Court as the Reporter of Judicial Decisions selects for
273 publication pursuant to section 51-215a,] and [(7)] (5) such additional
274 publications pertaining to the state Judicial Branch, the Supreme
275 Court, the Appellate Court, the Superior Court and the practice of law
276 as may be assigned to the commission. The commission may publish,
277 maintain and distribute the official legal publications in available
278 alternative formats. An alternative format may be the sole method for
279 the publication, maintenance and distribution of all volumes of the
280 Connecticut Reports, excluding the most recent one hundred volumes.

281 Sec. 13. Subdivision (2) of subsection (b) of section 51-216b of the
282 general statutes is repealed and the following is substituted in lieu
283 thereof (*Effective October 1, 2015*):

284 (2) Bills contracted and expenses incurred by the commission for the
285 purposes specified in this section and sections 51-215a, as amended by
286 this act, [51-215b,] 51-216a, as amended by this act, and 51-216c shall be
287 paid from moneys appropriated from the General Fund.

288 Sec. 14. Section 52-74 of the general statutes is repealed and the
289 following is substituted in lieu thereof (*Effective October 1, 2015*):

290 Any bond entered into in accordance with the laws of any other
291 state of the United States, conditioned for the proper performance by
292 any person or persons of the duties of executor, administrator,
293 guardian or trustee, to the acceptance of the court having jurisdiction,
294 may be enforced, in case of breach, against any obligors therein,
295 resident within this state, by an action in the name of the person or
296 persons who would be entitled to sue thereon in the proper courts of
297 such other state. All such suits, in respect to the security for the costs
298 by endorsement, and the effect of the judgments rendered in the same,
299 shall be governed by the provisions concerning actions on probate
300 bonds contained in [sections 52-117 and 52-190] section 52-117.

301 Sec. 15. Section 52-185 of the general statutes is repealed and the
302 following is substituted in lieu thereof (*Effective October 1, 2015*):

303 [(a) If the plaintiff in any civil action is not an inhabitant of this state,
304 or if it does not appear to the authority signing the process that the
305 plaintiff is able to pay the costs of the action should judgment be
306 rendered against him, the plaintiff shall enter into a recognizance to
307 the adverse party with a financially responsible inhabitant of this state
308 as surety, or a financially responsible inhabitant of this state shall enter
309 into a recognizance to the adverse party, that the plaintiff shall
310 prosecute his action to effect and answer all costs for which judgment
311 is rendered against him. The recognizance shall not be discharged by

312 any amendment or alteration of the process between the time of
313 signing and of serving it.]

314 (a) No bond or recognizance for prosecution is required from a
315 party in any civil action unless the judicial authority, upon motion and
316 for good cause shown, finds that a party is not able to pay the costs of
317 the action and orders that the party give a sufficient bond or enter into
318 a recognizance to an adverse party with a financially responsible
319 person to pay taxable costs. In determining the sufficiency of the bond
320 or recognizance, the judicial authority shall consider only the taxable
321 costs which the party may be responsible for under section 52-257,
322 except that in no event shall the judicial authority consider the fees or
323 charges of expert witnesses notwithstanding that such fees or charges
324 may be allowable under said section.

325 (b) The recognizance may be taken in the following form:

326 You, C.S., as principal, and E.C., as surety, acknowledge yourselves
327 jointly and severally bound to J.L., in a recognizance (or, as the case
328 may be, You, E.C., acknowledge yourself bound to J.L., in a
329 recognizance) of dollars, that C.S. shall prosecute the action which
330 he has now commenced against J.L. at the Superior court to be held at
331 H. in and for the judicial district of H., on the Tuesday of, 20.. to
332 full effect, and that he shall pay any costs for which judgment may be
333 rendered against him thereon.

334 Taken and acknowledged at H. on the day of, 20.., before me,
335 J.W., Commissioner of the Superior Court.

336 (c) If a bond or recognizance is required on any writ of summons or
337 attachment, it may be noted in the writ in the following manner:

338 E.C. of is recognized in \$.... to prosecute, etc. (or words to that
339 effect).

340 (d) [If there has been a failure to comply with the provisions of this
341 section, or if the authority signing a writ has failed to certify in

342 accordance with any statute or rule that he has personal knowledge as
343 to the financial responsibility of the plaintiff and deems it sufficient,
344 the validity of the writ and service shall not be affected unless the
345 failure is made a ground of a plea in abatement. If such plea in
346 abatement is filed and sustained or if the plaintiff voluntarily elects to
347 cure the defect by filing a bond, the court shall direct the plaintiff to
348 file a bond to prosecute in the usual amount. Upon the filing of the
349 bond, the case shall proceed in the same manner and to the same effect
350 as to rights of attachment and in all other respects as though the failure
351 had not occurred. The court may, in its discretion, order, as a condition
352 to the acceptance of the bond, that the plaintiff pay to the defendant
353 costs not to exceed the costs in full to the date of the order.] Any party
354 failing to comply with an order of the judicial authority to give
355 sufficient bond or recognizance may be nonsuited or defaulted.

356 Sec. 16. Subsection (a) of section 52-259 of the general statutes is
357 repealed and the following is substituted in lieu thereof (*Effective from*
358 *passage*):

359 (a) There shall be paid to the clerks for entering each appeal or writ
360 of error to the Supreme Court, or entering each appeal to the Appellate
361 Court, as the case may be, two hundred fifty dollars, and for each civil
362 cause in the Superior Court, three hundred fifty dollars, except (1) two
363 hundred twenty-five dollars for entering each case in the Superior
364 Court in which the sole claim for relief is damages and the amount,
365 legal interest or property in demand is less than two thousand five
366 hundred dollars; (2) one hundred seventy-five dollars for summary
367 process and landlord and tenant actions; and (3) there shall be no entry
368 fee for making an application to the Superior Court for relief under
369 section 46b-15 or 46b-16a, or for making an application to modify or
370 extend an order issued pursuant to section 46b-15 or 46b-16a. If the
371 amount, legal interest or property in demand by the plaintiff is alleged
372 to be less than two thousand five hundred dollars, a new entry fee of
373 seventy-five dollars shall be charged if the plaintiff amends his or her
374 complaint to state that such demand is not less than two thousand five

375 hundred dollars.

376 Sec. 17. Subsection (a) of section 52-259c of the general statutes is
377 repealed and the following is substituted in lieu thereof (*Effective from*
378 *passage*):

379 (a) There shall be paid to the clerk of the Superior Court upon the
380 filing of any motion to open, set aside, modify or extend any civil
381 judgment rendered in Superior Court a fee of seventy-five dollars for
382 any housing matter, a fee of seventy-five dollars for any small claims
383 matter, a fee of one hundred seventy-five dollars for any post-
384 judgment motion to modify any judgment in a family relations matter,
385 as defined in section 46b-1, and a fee of one hundred twenty-five
386 dollars for any other matter, except no fee shall be paid upon the filing
387 of any motion to open, set aside, modify or extend judgments in
388 juvenile matters or orders issued pursuant to section 46b-15 or 46b-16a
389 or upon the filing of any motion pursuant to subsection (b) of section
390 46b-63. Such fee may be waived by the court.

391 Sec. 18. Section 53a-223b of the general statutes is repealed and the
392 following is substituted in lieu thereof (*Effective October 1, 2015*):

393 (a) A person is guilty of criminal violation of a restraining order
394 when (1) (A) a restraining order has been issued against such person
395 pursuant to section 46b-15, or (B) a foreign order of protection, as
396 defined in section 46b-15a, has been issued against such person in a
397 case involving the use, attempted use or threatened use of physical
398 force against another, and (2) such person, having knowledge of the
399 terms of the order, (A) does not stay away from a person or place in
400 violation of the order, (B) contacts a person in violation of the order,
401 (C) imposes any restraint upon the person or liberty of a person in
402 violation of the order, or (D) threatens, harasses, assaults, molests,
403 sexually assaults or attacks a person in violation of the order.

404 (b) No person who is listed as a protected person in such restraining
405 order or foreign order of protection may be criminally liable for (1)

406 soliciting, requesting, commanding, importuning or intentionally
407 aiding in the violation of the restraining order or foreign order of
408 protection pursuant to subsection (a) of section 53a-8, or (2) conspiracy
409 to violate such restraining order or foreign order of protection
410 pursuant to section 53a-48.

411 (c) No person who is listed as a respondent in a restraining order
412 issued pursuant to section 46b-15, or a foreign order of protection
413 issued pursuant to section 46b-15a may be criminally liable for a
414 violation of such order if such person causes a legal document to be
415 served on the protected person by mail or through a third party in
416 accordance with the law. For purposes of this subsection, "legal
417 document" includes, but is not limited to, a notice of appearance or any
418 other application, petition, or motion filed in good faith by such person
419 in connection with any pending court matter, or in any court matter
420 that may be brought subsequently.

421 ~~[(c)]~~ (d) (1) Except as provided in subdivision (2) of this subsection,
422 criminal violation of a restraining order is a class D felony.

423 (2) Criminal violation of a restraining order is a class C felony if the
424 offense is a violation of subparagraph (C) or (D) of subdivision (2) of
425 subsection (a) of this section.

426 Sec. 19. Section 53a-223c of the general statutes is repealed and the
427 following is substituted in lieu thereof (*Effective October 1, 2015*):

428 (a) A person is guilty of criminal violation of a civil protection order
429 when (1) a civil protection order has been issued against such person
430 pursuant to section 46b-16a, and (2) such person, having knowledge of
431 the terms of the order, violates such order.

432 (b) No person who is listed as a respondent in a civil protection
433 order issued pursuant to section 46b-16a may be criminally liable for a
434 violation of such order if such person causes a legal document to be
435 served on the protected person by mail or through a third party in
436 accordance with the law. For purposes of this subsection, "legal

437 document" includes, but is not limited to, a notice of appearance or any
438 other application, petition, or motion filed in good faith by such person
439 in connection with any pending court matter, or in any court matter
440 that may be brought subsequently.

441 [(b)] (c) Criminal violation of a civil protection order is a class D
442 felony.

443 Sec. 20. Subsection (b) of section 54-56e of the general statutes is
444 repealed and the following is substituted in lieu thereof (*Effective*
445 *October 1, 2015*):

446 (b) The court may, in its discretion, invoke such program on motion
447 of the defendant or on motion of a state's attorney or prosecuting
448 attorney with respect to a defendant (1) who, the court believes, will
449 probably not offend in the future, (2) who has no previous record of
450 conviction of a crime or of a violation of section 14-196, subsection (c)
451 of section 14-215, section 14-222a, subsection (a) or subdivision (1) of
452 subsection (b) of section 14-224 or section 14-227a, and (3) who states
453 under oath, in open court or before any person designated by the clerk
454 and duly authorized to administer oaths, under the penalties of
455 perjury, (A) that the defendant has never had such program invoked
456 on the defendant's behalf or that the defendant was charged with a
457 misdemeanor or a motor vehicle violation for which a term of
458 imprisonment of one year or less may be imposed and ten or more
459 years have passed since the date that any charge or charges for which
460 the program was invoked on the defendant's behalf were dismissed by
461 the court, or (B) with respect to a defendant who is a veteran, that the
462 defendant has not had such program invoked in the defendant's behalf
463 more than once previously, provided the defendant shall agree thereto
464 and provided notice has been given by the defendant, on a form
465 [approved by rule of court] prescribed by the Office of the Chief Court
466 Administrator, to the victim or victims of such crime or motor vehicle
467 violation, if any, by registered or certified mail and such victim or
468 victims have an opportunity to be heard thereon. Any defendant who
469 makes application for participation in such program shall pay to the

470 court an application fee of thirty-five dollars. No defendant shall be
471 allowed to participate in the pretrial program for accelerated
472 rehabilitation more than two times. For the purposes of this section,
473 "veteran" means any person who was discharged or released under
474 conditions other than dishonorable from active service in the armed
475 forces as defined in section 27-103.

476 Sec. 21. Subdivision (1) of subsection (a) of section 54-56g of the
477 general statutes is repealed and the following is substituted in lieu
478 thereof (*Effective October 1, 2015*):

479 (a) (1) There shall be a pretrial alcohol education program for
480 persons charged with a violation of section 14-227a, 14-227g, 15-132a,
481 15-133, 15-140l or 15-140n. Upon application by any such person for
482 participation in such program and payment to the court of an
483 application fee of one hundred dollars and a nonrefundable evaluation
484 fee of one hundred dollars, the court shall, but only as to the public,
485 order the court file sealed, provided such person states under oath, in
486 open court or before any person designated by the clerk and duly
487 authorized to administer oaths, under penalties of perjury that: (A) If
488 such person is charged with a violation of section 14-227a, such person
489 has not had such program invoked in such person's behalf within the
490 preceding ten years for a violation of section 14-227a, (B) if such person
491 is charged with a violation of section 14-227g, such person has never
492 had such program invoked in such person's behalf for a violation of
493 section 14-227a or 14-227g, (C) such person has not been convicted of a
494 violation of section 53a-56b or 53a-60d, a violation of subsection (a) of
495 section 14-227a before, on or after October 1, 1981, or a violation of
496 subdivision (1) or (2) of subsection (a) of section 14-227a on or after
497 October 1, 1985, (D) such person has not been convicted in any other
498 state at any time of an offense the essential elements of which are
499 substantially the same as section 53a-56b or 53a-60d or subdivision (1)
500 or (2) of subsection (a) of section 14-227a, and (E) notice has been given
501 by such person, by registered or certified mail on a form [approved by
502 rule of court] prescribed by the Office of the Chief Court

503 Administrator, to each victim who sustained a serious physical injury,
504 as defined in section 53a-3, which was caused by such person's alleged
505 violation, that such person has applied to participate in the pretrial
506 alcohol education program and that such victim has an opportunity to
507 be heard by the court on the application.

508 Sec. 22. Subsection (c) of section 54-56l of the general statutes is
509 repealed and the following is substituted in lieu thereof (*Effective*
510 *October 1, 2015*):

511 (c) Upon application by any such person for participation in such
512 program, the court shall, but only as to the public, order the court file
513 sealed, provided such person states under oath, in open court or before
514 any person designated by the clerk and duly authorized to administer
515 oaths, under penalties of perjury, that such person has not had such
516 program invoked in such person's behalf more than once. Court
517 personnel shall provide notice, on a form [approved by rule of court]
518 prescribed by the Office of the Chief Court Administrator, to any
519 victim of such crime or motor vehicle violation, by registered or
520 certified mail, that such person has applied to participate in the
521 program and that such victim has an opportunity to be heard by the
522 court on the matter.

523 Sec. 23. Subsection (e) of section 54-208 of the general statutes is
524 repealed and the following is substituted in lieu thereof (*Effective*
525 *October 1, 2015*):

526 (e) In determining the amount of compensation to be allowed, the
527 Office of Victim Services or, on review, a victim compensation
528 commissioner shall take into consideration amounts that the applicant
529 has received or is eligible to receive from any other source or sources,
530 including, but not limited to, payments from state and municipal
531 agencies, health insurance benefits, and workers' compensation
532 awards, as a result of the incident or offense giving rise to the
533 application. For purposes of this section, life insurance benefits
534 received by the applicant shall not be taken into consideration by the

535 Office of Victim Services or a victim compensation commissioner.

536 Sec. 24. Section 2 of number 257 of the special acts of 1917 is
537 amended to read as follows (*Effective from passage*):

538 The clerk of [said court] the superior court in the judicial district of
539 Litchfield, or his successor in office, is directed to hold [said fund] the
540 escheated property formerly known as the Salmon Brownson Fund
541 and to act as trustee of the same and on July 1, 1917, to pay the interest
542 thereon which shall have accrued to July 1, 1917, to the treasurer of the
543 Warren Cemetery Association, a domestic corporation situated in the
544 town of Warren in said Litchfield county, and thereafter to pay to said
545 cemetery association, during the first week in January and July,
546 annually, the interest which shall have accrued from said fund. On or
547 before October 1, 2015, the clerk of said court shall pay to the treasurer
548 of said cemetery association the entire balance of the fund and shall
549 close the account.

550 Sec. 25. Section 4 of number 257 of the special acts of 1917 is
551 amended to read as follows (*Effective from passage*):

552 The Warren Cemetery Association shall use the [interest] funds
553 which it may receive from said trustee for the care of the monuments
554 and graves of Salmon Brownson and wife, and members of his family,
555 deceased, late of said town of Warren, in the Warren cemetery, and
556 any unexpended portion of the money so received by said association
557 may be used by it for the care of the graves of persons formerly
558 members of the Warren Methodist Episcopal church and their
559 descendants and any unexpended portion of the income of said fund
560 may be expended for the general purposes of said cemetery
561 association, but in case of the organization of a Methodist Episcopal
562 church society in said town of Warren which shall conduct services
563 regularly, and at least one such service during each month in said
564 town for a period of six months in some suitable and convenient place
565 to accommodate the people of said town of Warren, said trustee shall
566 pay the income from said fund semi-annually at the expiration of said

567 six months' period to the treasurer of such church society, and shall
 568 continue to make such payments semi-annually to such church society
 569 so long as regular services shall be so conducted in said town, and
 570 upon the discontinuance of such regular services, the income from said
 571 fund shall again revert and be paid to said cemetery association for the
 572 purposes stated in [this act] number 257 of the special acts of 1917.

573 Sec. 26. Sections 1 and 3 of number 257 of the special acts of 1917 are
 574 repealed. (*Effective from passage*)

575 Sec. 27. Sections 51-215b, 52-186, 52-187, 52-188 and 52-190 of the
 576 general statutes are repealed. (*Effective October 1, 2015*)

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2015</i>	7-465(a)
Sec. 2	<i>October 1, 2015</i>	8-8(l)
Sec. 3	<i>October 1, 2015</i>	22a-43a(a)
Sec. 4	<i>from passage</i>	46b-22(a)
Sec. 5	<i>from passage</i>	46b-22a
Sec. 6	<i>October 1, 2015</i>	46b-225
Sec. 7	<i>October 1, 2015</i>	47a-23a(a)
Sec. 8	<i>October 1, 2015</i>	51-52(a)
Sec. 9	<i>October 1, 2015</i>	51-60
Sec. 10	<i>October 1, 2015</i>	51-195
Sec. 11	<i>October 1, 2015</i>	51-215a
Sec. 12	<i>October 1, 2015</i>	51-216a(b)
Sec. 13	<i>October 1, 2015</i>	51-216b(b)(2)
Sec. 14	<i>October 1, 2015</i>	52-74
Sec. 15	<i>October 1, 2015</i>	52-185
Sec. 16	<i>from passage</i>	52-259(a)
Sec. 17	<i>from passage</i>	52-259c(a)
Sec. 18	<i>October 1, 2015</i>	53a-223b
Sec. 19	<i>October 1, 2015</i>	53a-223c
Sec. 20	<i>October 1, 2015</i>	54-56e(b)
Sec. 21	<i>October 1, 2015</i>	54-56g(a)(1)
Sec. 22	<i>October 1, 2015</i>	54-56l(c)
Sec. 23	<i>October 1, 2015</i>	54-208(e)

Sec. 24	<i>from passage</i>	Number 257 of the special acts of 1917, Sec. 2
Sec. 25	<i>from passage</i>	Number 257 of the special acts of 1917, Sec. 4
Sec. 26	<i>from passage</i>	Repealer section
Sec. 27	<i>October 1, 2015</i>	Repealer section

Statement of Legislative Commissioners:

In Section 3, "22-43a" was changed to "22a-43a" in the introductory provision for accuracy.

JUD *Joint Favorable Subst.*