



General Assembly

**Amendment**

January Session, 2015

LCO No. 8655



Offered by:

REP. TONG, 147<sup>th</sup> Dist.

REP. REBIMBAS, 70<sup>th</sup> Dist.

To: Subst. Senate Bill No. 1105

File No. 741

Cal. No. 537

**"AN ACT CONCERNING REVISIONS TO THE CRIMINAL JUSTICE STATUTES."**

1 Strike everything after the enacting clause and substitute the  
2 following in lieu thereof:

3 "Section 1. Subsection (a) of section 53a-31 of the general statutes is  
4 repealed and the following is substituted in lieu thereof (*Effective October*  
5 *1, 2015*):

6 (a) A period of probation or conditional discharge commences on  
7 the day it is imposed, [except that, where it is preceded by a sentence  
8 of imprisonment with execution suspended after a period of  
9 imprisonment set by the court,] unless the defendant is imprisoned, in  
10 which case it commences on the day the defendant is released from  
11 such imprisonment. Multiple periods, whether imposed at the same or  
12 different times, shall run concurrently.

13 Sec. 2. (*Effective from passage*) (a) There is established a task force to  
14 examine (1) methods for reducing the costs incurred to extradite an

15 individual to the state with respect to criminal proceedings against  
16 such individual; and (2) the feasibility of permitting a court to vacate  
17 an order forfeiting a bail bond when a professional bondsman, surety  
18 bail bond agent or insurer pays the costs of extraditing the principal on  
19 the forfeited bail bond.

20 (b) The task force shall consist of the following members:

21 (1) One appointed by the speaker of the House of Representatives,  
22 who shall be a surety bail bond agent or a professional bondsman in  
23 this state;

24 (2) One appointed by the president pro tempore of the Senate, who  
25 shall be a representative of an insurer, as defined in section 38a-660 of  
26 the general statutes;

27 (3) One appointed by the majority leader of the House of  
28 Representatives;

29 (4) One appointed by the majority leader of the Senate;

30 (5) One appointed by the minority leader of the House of  
31 Representatives;

32 (6) One appointed by the minority leader of the Senate;

33 (7) The Commissioner of Emergency Services and Public Protection,  
34 or the commissioner's designee;

35 (8) A representative of the United States Marshals Service, who shall  
36 be appointed by the United States Marshal for the District of  
37 Connecticut; and

38 (9) The Chief State's Attorney.

39 (c) Any member of the task force appointed under subdivision (3),  
40 (4), (5) or (6) of subsection (b) of this section may be a member of the  
41 General Assembly.

42 (d) All appointments to the task force shall be made not later than  
43 thirty days after the effective date of this section. Any vacancy shall be  
44 filled by the appointing authority.

45 (e) The Chief State's Attorney shall serve as chairperson of the task  
46 force. Such chairperson shall schedule the first meeting of the task  
47 force, which shall be held not later than sixty days after the effective  
48 date of this section.

49 (f) The administrative staff of the joint standing committee of the  
50 General Assembly having cognizance of matters relating to the  
51 judiciary shall serve as administrative staff of the task force.

52 (g) Not later than January 15, 2016, the task force shall submit a  
53 report on its findings and recommendations to the joint standing  
54 committee of the General Assembly having cognizance of matters  
55 relating to the judiciary, in accordance with the provisions of section  
56 11-4a of the general statutes. The task force shall terminate on the date  
57 that it submits such report or January 15, 2016, whichever is later.

58 Sec. 3. Section 53a-54c of the general statutes is repealed and the  
59 following is substituted in lieu thereof (*Effective October 1, 2015*):

60 A person is guilty of murder when, acting either alone or with one  
61 or more persons, [he] such person commits or attempts to commit  
62 robbery, home invasion, burglary, kidnapping, sexual assault in the  
63 first degree, aggravated sexual assault in the first degree, sexual  
64 assault in the third degree, sexual assault in the third degree with a  
65 firearm, escape in the first degree, or escape in the second degree and,  
66 in the course of and in furtherance of such crime or of flight therefrom,  
67 [he] such person, or another participant, if any, causes the death of a  
68 person other than one of the participants, except that in any  
69 prosecution under this section, in which the defendant was not the  
70 only participant in the underlying crime, it shall be an affirmative  
71 defense that the defendant: (1) Did not commit the homicidal act or in  
72 any way solicit, request, command, importune, cause or aid the

73 commission thereof; and (2) was not armed with a deadly weapon, or  
74 any dangerous instrument; and (3) had no reasonable ground to  
75 believe that any other participant was armed with such a weapon or  
76 instrument; and (4) had no reasonable ground to believe that any other  
77 participant intended to engage in conduct likely to result in death or  
78 serious physical injury.

79 Sec. 4. Section 53a-60 of the general statutes is repealed and the  
80 following is substituted in lieu thereof (*Effective October 1, 2015*):

81 (a) A person is guilty of assault in the second degree when: (1) With  
82 intent to cause serious physical injury to another person, [he] the actor  
83 causes such injury to such person or to a third person; or (2) with  
84 intent to cause physical injury to another person, [he] the actor causes  
85 such injury to such person or to a third person by means of a deadly  
86 weapon or a dangerous instrument other than by means of the  
87 discharge of a firearm; or (3) [he] the actor recklessly causes serious  
88 physical injury to another person by means of a deadly weapon or a  
89 dangerous instrument; or (4) for a purpose other than lawful medical  
90 or therapeutic treatment, [he] the actor intentionally causes stupor,  
91 unconsciousness or other physical impairment or injury to another  
92 person by administering to such person, without his consent, a drug,  
93 substance or preparation capable of producing the same; or (5) [he] the  
94 actor is a parolee from a correctional institution and with intent to  
95 cause physical injury to an employee or member of the Board of  
96 Pardons and Paroles, he causes physical injury to such employee or  
97 member; or (6) with intent to cause serious physical injury to another  
98 person by rendering such other person unconscious, and without  
99 provocation by such other person, [he] the actor causes such injury to  
100 such other person by striking such other person on the head; or (7)  
101 with intent to cause physical injury to another person, the actor causes  
102 such injury to such person by striking or kicking such person in the  
103 head while such person is in a lying position.

104 (b) Assault in the second degree is a class D felony or, if the offense  
105 resulted in serious physical injury, a class C felony.

106 Sec. 5. Subsection (a) of section 54-251 of the general statutes is  
107 repealed and the following is substituted in lieu thereof (*Effective*  
108 *October 1, 2015*):

109 (a) Any person who has been convicted or found not guilty by  
110 reason of mental disease or defect of a criminal offense against a victim  
111 who is a minor or a nonviolent sexual offense, and is released into the  
112 community on or after October 1, 1998, shall, within three days  
113 following such release or, if such person is in the custody of the  
114 Commissioner of Correction, at such time prior to release as the  
115 commissioner shall direct, and whether or not such person's place of  
116 residence is in this state, register such person's name, identifying  
117 factors, criminal history record, residence address and electronic mail  
118 address, instant message address or other similar Internet  
119 communication identifier, if any, with the Commissioner of Emergency  
120 Services and Public Protection, on such forms and in such locations as  
121 the commissioner shall direct, and shall maintain such registration for  
122 ten years from the date of such person's release into the community,  
123 except that any person who has one or more prior convictions of any  
124 such offense or who is convicted of a violation of subdivision (2) of  
125 subsection (a) of section 53a-70, as amended by this act, shall maintain  
126 such registration for life. Prior to accepting a plea of guilty or nolo  
127 contendere from a person with respect to a criminal offense against a  
128 victim who is a minor or a nonviolent sexual offense, the court shall (1)  
129 inform the person that the entry of a finding of guilty after acceptance  
130 of the plea will subject the person to the registration requirements of  
131 this section, and (2) determine that the person fully understands the  
132 consequences of the plea. If any person who is subject to registration  
133 under this section changes such person's name, such person shall,  
134 without undue delay, notify the Commissioner of Emergency Services  
135 and Public Protection in writing of the new name. If any person who is  
136 subject to registration under this section changes such person's  
137 address, such person shall, without undue delay, notify the  
138 Commissioner of Emergency Services and Public Protection in writing  
139 of the new address and, if the new address is in another state, such

140 person shall also register with an appropriate agency in that state,  
141 provided that state has a registration requirement for such offenders. If  
142 any person who is subject to registration under this section establishes  
143 or changes an electronic mail address, instant message address or  
144 other similar Internet communication identifier, such person shall,  
145 without undue delay, notify the Commissioner of Emergency Services  
146 and Public Protection in writing of such identifier. If any person who is  
147 subject to registration under this section is employed at, carries on a  
148 vocation at or is a student at a trade or professional institution or  
149 institution of higher learning in this state, such person shall, without  
150 undue delay, notify the Commissioner of Emergency Services and  
151 Public Protection of such status and of any change in such status. If  
152 any person who is subject to registration under this section is  
153 employed in another state, carries on a vocation in another state or is a  
154 student in another state, such person shall, without undue delay,  
155 notify the Commissioner of Emergency Services and Public Protection  
156 and shall also register with an appropriate agency in that state,  
157 provided that state has a registration requirement for such offenders.  
158 During such period of registration, each registrant shall complete and  
159 return forms mailed to such registrant to verify such registrant's  
160 residence address and shall submit to the retaking of a photographic  
161 image upon request of the Commissioner of Emergency Services and  
162 Public Protection.

163 Sec. 6. Subsection (b) of section 54-252 of the general statutes is  
164 repealed and the following is substituted in lieu thereof (*Effective*  
165 *October 1, 2015*):

166 (b) Any person who has been subject to the registration  
167 requirements of section 54-102r of the general statutes, revised to  
168 January 1, 1997, as amended by section 1 of public act 97-183, shall, not  
169 later than three working days after October 1, 1998, register under this  
170 section and thereafter comply with the provisions of sections 54-102g  
171 and 54-250 to 54-258a, inclusive, except that any person who was  
172 convicted or found not guilty by reason of mental disease or defect of

173 an offense that is classified as a criminal offense against a victim who is  
174 a minor under subdivision (2) of section 54-250 and that is subject to a  
175 ten-year period of registration under section 54-251, as amended by  
176 this act, shall maintain such registration for ten years from the date of  
177 such person's release into the community.

178 Sec. 7. Subsection (a) of section 54-254 of the general statutes is  
179 repealed and the following is substituted in lieu thereof (*Effective*  
180 *October 1, 2015*):

181 (a) Any person who has been convicted or found not guilty by  
182 reason of mental disease or defect in this state on or after October 1,  
183 1998, of any felony that the court finds was committed for a sexual  
184 purpose, may be required by the court upon release into the  
185 community or, if such person is in the custody of the Commissioner of  
186 Correction, at such time prior to release as the commissioner shall  
187 direct to register such person's name, identifying factors, criminal  
188 history record, residence address and electronic mail address, instant  
189 message address or other similar Internet communication identifier, if  
190 any, with the Commissioner of Emergency Services and Public  
191 Protection, on such forms and in such locations as the commissioner  
192 shall direct, and to maintain such registration for ten years from the  
193 date of such person's release into the community. If the court finds that  
194 a person has committed a felony for a sexual purpose and intends to  
195 require such person to register under this section, prior to accepting a  
196 plea of guilty or nolo contendere from such person with respect to  
197 such felony, the court shall (1) inform the person that the entry of a  
198 finding of guilty after acceptance of the plea will subject the person to  
199 the registration requirements of this section, and (2) determine that the  
200 person fully understands the consequences of the plea. If any person  
201 who is subject to registration under this section changes such person's  
202 name, such person shall, without undue delay, notify the  
203 Commissioner of Emergency Services and Public Protection in writing  
204 of the new name. If any person who is subject to registration under this  
205 section changes such person's address, such person shall, without

206 undue delay, notify the Commissioner of Emergency Services and  
207 Public Protection in writing of the new address and, if the new address  
208 is in another state, such person shall also register with an appropriate  
209 agency in that state, provided that state has a registration requirement  
210 for such offenders. If any person who is subject to registration under  
211 this section establishes or changes an electronic mail address, instant  
212 message address or other similar Internet communication identifier,  
213 such person shall, without undue delay, notify the Commissioner of  
214 Emergency Services and Public Protection in writing of such identifier.  
215 If any person who is subject to registration under this section is  
216 employed at, carries on a vocation at or is a student at a trade or  
217 professional institution or institution of higher learning in this state,  
218 such person shall, without undue delay, notify the Commissioner of  
219 Emergency Services and Public Protection of such status and of any  
220 change in such status. If any person who is subject to registration  
221 under this section is employed in another state, carries on a vocation in  
222 another state or is a student in another state, such person shall, without  
223 undue delay, notify the Commissioner of Emergency Services and  
224 Public Protection and shall also register with an appropriate agency in  
225 that state, provided that state has a registration requirement for such  
226 offenders. During such period of registration, each registrant shall  
227 complete and return forms mailed to such registrant to verify such  
228 registrant's residence address and shall submit to the retaking of a  
229 photographic image upon request of the Commissioner of Emergency  
230 Services and Public Protection.

231 Sec. 8. Section 53a-110a of the general statutes is repealed and the  
232 following is substituted in lieu thereof (*Effective October 1, 2015*):

233 (a) A person is guilty of simple trespass when, knowing that [he]  
234 such person is not licensed or privileged to do so, [he] such person  
235 enters or remains in or on any premises without intent to harm any  
236 property.

237 (b) Simple trespass is an infraction.

238 Sec. 9. Section 53a-155 of the general statutes is repealed and the  
239 following is substituted in lieu thereof (*Effective October 1, 2015*):

240 (a) A person is guilty of tampering with or fabricating physical  
241 evidence if, believing that a criminal investigation conducted by a law  
242 enforcement agency or an official proceeding is pending, or about to be  
243 instituted, [he] such person: (1) Alters, destroys, conceals or removes  
244 any record, document or thing with purpose to impair its verity or  
245 availability in such criminal investigation or official proceeding; or (2)  
246 makes, presents or uses any record, document or thing knowing it to  
247 be false and with purpose to mislead a public servant who is or may be  
248 engaged in such criminal investigation or official proceeding.

249 (b) Tampering with or fabricating physical evidence is a class D  
250 felony.

251 Sec. 10. Subsection (c) of section 54-56e of the general statutes is  
252 repealed and the following is substituted in lieu thereof (*Effective*  
253 *October 1, 2015*):

254 (c) This section shall not be applicable: (1) To any person charged  
255 with (A) a class A felony, (B) a class B felony, except a violation of  
256 subdivision (1), (2) or (3) of subsection (a) of section 53a-122 that does  
257 not involve the use, attempted use or threatened use of physical force  
258 against another person, or a violation of subdivision (4) of subsection  
259 (a) of section 53a-122 that does not involve the use, attempted use or  
260 threatened use of physical force against another person and does not  
261 involve a violation by a person who is a public official, as defined in  
262 section 1-110, or a state or municipal employee, as defined in section 1-  
263 110, or (C) a violation of section 14-227a, subdivision (2) of subsection  
264 (a) of section 53-21, section 53a-56b, 53a-60d, 53a-70, as amended by  
265 this act, 53a-70a, as amended by this act, 53a-70b, 53a-71, except as  
266 provided in subdivision (5) of this subsection, 53a-72a, 53a-72b, 53a-  
267 90a, 53a-196e or 53a-196f, (2) to any person charged with a crime or  
268 motor vehicle violation who, as a result of the commission of such  
269 crime or motor vehicle violation, causes the death of another person,

270 (3) to any person accused of a family violence crime as defined in  
271 section 46b-38a who (A) is eligible for the pretrial family violence  
272 education program established under section 46b-38c, or (B) has  
273 previously had the pretrial family violence education program  
274 invoked in such person's behalf, (4) to any person charged with a  
275 violation of section 21a-267 or 21a-279 who (A) is eligible for the  
276 pretrial drug education and community service program established  
277 under section 54-56i, as amended by this act, or (B) has previously had  
278 the pretrial drug education program or the pretrial drug education and  
279 community service program invoked on such person's behalf, (5)  
280 unless good cause is shown, to (A) any person charged with a class C  
281 felony, or (B) any person charged with committing a violation of  
282 subdivision (1) of subsection (a) of section 53a-71 while such person  
283 was less than four years older than the other person, (6) to any person  
284 charged with a violation of section 9-359 or 9-359a, (7) to any person  
285 charged with a motor vehicle violation (A) while operating a  
286 commercial motor vehicle, as defined in section 14-1, or (B) who holds  
287 a commercial driver's license or commercial driver's instruction permit  
288 at the time of the violation, [or] (8) any person charged with a violation  
289 of subdivision (6) of subsection (a) of section 53a-60, as amended by  
290 this act, or (9) a health care provider or vendor participating in the  
291 state's Medicaid program charged with a violation of section 53a-122  
292 or subdivision (4) of subsection (a) of section 53a-123.

293 Sec. 11. Subsections (a) and (b) of section 54-56g of the general  
294 statutes are repealed and the following is substituted in lieu thereof  
295 (*Effective October 1, 2015*):

296 (a) (1) There shall be a pretrial alcohol education program for  
297 persons charged with a violation of section 14-227a, 14-227g, [15-132a,]  
298 15-133 [, 15-140/] or 15-140n. Upon application by any such person for  
299 participation in such program and payment to the court of an  
300 application fee of one hundred dollars and a nonrefundable evaluation  
301 fee of one hundred dollars, the court shall, but only as to the public,  
302 order the court file sealed, provided such person states under oath, in

303 open court or before any person designated by the clerk and duly  
304 authorized to administer oaths, under penalties of perjury that: (A) If  
305 such person is charged with a violation of section 14-227a, 14-227g,  
306 subsection (d) of section 15-133 or section 15-140n, such person has not  
307 had such program invoked in such person's behalf within the  
308 preceding ten years for a violation of section 14-227a, 14-227g,  
309 subsection (d) of section 15-133 or section 15-140n, (B) [if such person is  
310 charged with a violation of section 14-227g, such person has never had  
311 such program invoked in such person's behalf for a violation of section  
312 14-227a or 14-227g, (C)] such person has not been convicted of a  
313 violation of section 53a-56b or 53a-60d, a violation of subsection (a) of  
314 section 14-227a before, on or after October 1, 1981, [or] a violation of  
315 subdivision (1) or (2) of subsection (a) of section 14-227a on or after  
316 October 1, 1985, or a violation of section 14-227g, (C) such person has  
317 not been convicted of a violation of section 15-132a, subsection (d) of  
318 section 15-133, section 15-140l or section 15-140n, (D) such person has  
319 not been convicted in any other state at any time of an offense the  
320 essential elements of which are substantially the same as section 53a-  
321 56b, [or] 53a-60d, 15-132a, 15-140l or 15-140n or subdivision (1) or (2) of  
322 subsection (a) of section 14-227a or subsection (d) of section 15-133,  
323 and (E) notice has been given by such person, by registered or certified  
324 mail on a form approved by rule of court, to each victim who sustained  
325 a serious physical injury, as defined in section 53a-3, which was caused  
326 by such person's alleged violation, that such person has applied to  
327 participate in the pretrial alcohol education program and that such  
328 victim has an opportunity to be heard by the court on the application.

329 (2) The court shall provide each such victim who sustained a serious  
330 physical injury an opportunity to be heard prior to granting an  
331 application under this section. Unless good cause is shown, a person  
332 shall be ineligible for participation in such pretrial alcohol education  
333 program if such person's alleged violation of section 14-227a or 14-227g  
334 or subsection (d) of section 15-133 caused the serious physical injury,  
335 as defined in section 53a-3, of another person.

336 (3) The application fee imposed under this subsection shall be  
337 credited to the Criminal Injuries Compensation Fund established  
338 under section 54-215. The evaluation fee imposed under this  
339 subsection shall be credited to the pretrial account established under  
340 section 54-56k.

341 (b) The court, after consideration of the recommendation of the  
342 state's attorney, assistant state's attorney or deputy assistant state's  
343 attorney in charge of the case, may, in its discretion, grant such  
344 application. If the court grants such application, the court shall refer  
345 such person to the Court Support Services Division for assessment and  
346 confirmation of the eligibility of the applicant and to the Department  
347 of Mental Health and Addiction Services for evaluation. The Court  
348 Support Services Division, in making its assessment and confirmation,  
349 may rely on the representations made by the applicant under oath in  
350 open court with respect to convictions in other states of offenses  
351 specified in subsection (a) of this section. Upon confirmation of  
352 eligibility and receipt of the evaluation report, the defendant shall be  
353 referred to the Department of Mental Health and Addiction Services  
354 by the Court Support Services Division for placement in an  
355 appropriate alcohol intervention program for one year, or be placed in  
356 a state-licensed substance abuse treatment program. The alcohol  
357 intervention program shall include a ten-session intervention program  
358 and a fifteen-session intervention program. Any person who enters the  
359 pretrial alcohol education program shall agree: (1) To the tolling of the  
360 statute of limitations with respect to such crime, (2) to a waiver of such  
361 person's right to a speedy trial, (3) to complete ten or fifteen counseling  
362 sessions in an alcohol intervention program or successfully complete a  
363 substance abuse treatment program of not less than twelve sessions  
364 pursuant to this section dependent upon the evaluation report and the  
365 court order, (4) to commence participation in an alcohol intervention  
366 program or substance abuse treatment program not later than ninety  
367 days after the date of entry of the court order unless granted a delayed  
368 entry into a program by the court, (5) upon completion of participation  
369 in the alcohol intervention program, to accept placement in a substance

370 abuse treatment program upon the recommendation of a provider  
371 under contract with the Department of Mental Health and Addiction  
372 Services pursuant to subsection (f) of this section or placement in a  
373 state-licensed substance abuse treatment program which meets  
374 standards established by the Department of Mental Health and  
375 Addiction Services, if the Court Support Services Division deems it  
376 appropriate, and (6) if ordered by the court, to participate in at least  
377 one victim impact panel. The suspension of the motor vehicle  
378 operator's license of any such person pursuant to section 14-227b shall  
379 be effective during the period such person is participating in the  
380 pretrial alcohol education program, provided such person shall have  
381 the option of not commencing the participation in such program until  
382 the period of such suspension is completed. If the Court Support  
383 Services Division informs the court that the defendant is ineligible for  
384 such program and the court makes a determination of ineligibility or if  
385 the program provider certifies to the court that the defendant did not  
386 successfully complete the assigned program or is no longer amenable  
387 to treatment and such person does not request, or the court denies,  
388 program reinstatement under subsection (e) of this section, the court  
389 shall order the court file to be unsealed, enter a plea of not guilty for  
390 such defendant and immediately place the case on the trial list. If such  
391 defendant satisfactorily completes the assigned program, such  
392 defendant may apply for dismissal of the charges against such  
393 defendant and the court, on reviewing the record of the defendant's  
394 participation in such program submitted by the Court Support  
395 Services Division and on finding such satisfactory completion, shall  
396 dismiss the charges. If the defendant does not apply for dismissal of  
397 the charges against such defendant after satisfactorily completing the  
398 assigned program the court, upon receipt of the record of the  
399 defendant's participation in such program submitted by the Court  
400 Support Services Division, may on its own motion make a finding of  
401 such satisfactory completion and dismiss the charges. Upon motion of  
402 the defendant and a showing of good cause, the court may extend the  
403 one-year placement period for a reasonable period for the defendant to  
404 complete the assigned program. A record of participation in such

405 program shall be retained by the Court Support Services Division for a  
406 period of ten years from the date the court grants the application for  
407 participation in such program. The Court Support Services Division  
408 shall transmit to the Department of Motor Vehicles a record of  
409 participation in such program for each person who satisfactorily  
410 completes such program. The Department of Motor Vehicles shall  
411 maintain for a period of ten years the record of a person's participation  
412 in such program as part of such person's driving record. The Court  
413 Support Services Division shall transmit to the Department of Energy  
414 and Environmental Protection the record of participation of any person  
415 who satisfactorily completes such program who has been charged with  
416 a violation of the provisions of [section 15-132a, 15-133, 15-140l or]  
417 subsection (d) of section 15-133 or section 15-140n. The Department of  
418 Energy and Environmental Protection shall maintain for a period of  
419 ten years the record of a person's participation in such program as a  
420 part of such person's boater certification record.

421 Sec. 12. Section 54-56i of the general statutes is repealed and the  
422 following is substituted in lieu thereof (*Effective October 1, 2015*):

423 (a) There is established a pretrial drug education and community  
424 service program for persons charged with a violation of section  
425 21a-267, 21a-279 or 21a-279a. The pretrial drug education and  
426 community service program shall include a [fifteen-week] fifteen-  
427 session drug education program and a substance abuse treatment  
428 program of not less than fifteen sessions, and the performance of  
429 community service.

430 (b) Upon application by any such person for participation in such  
431 program and payment to the court of an application fee of one  
432 hundred dollars and a nonrefundable evaluation fee of one hundred  
433 fifty dollars, the court shall, but only as to the public, order the court  
434 file sealed. A person shall be ineligible for participation in such pretrial  
435 drug education and community service program if such person has  
436 twice previously participated in (1) the pretrial drug education  
437 program established under the provisions of this section in effect prior

438 to October 1, 2013, (2) the community service labor program  
439 established under section 53a-39c, (3) the pretrial drug education and  
440 community service program established under this section, or (4) any  
441 of such programs, except that the court may allow a person who has  
442 twice previously participated in such programs to participate in the  
443 pretrial drug education and community service program one  
444 additional time, for good cause shown. The evaluation and application  
445 fee imposed under this subsection shall be credited to the pretrial  
446 account established under section 54-56k.

447 (c) The court, after consideration of the recommendation of the  
448 state's attorney, assistant state's attorney or deputy assistant state's  
449 attorney in charge of the case, may, in its discretion, grant such  
450 application. If the court grants such application, the court shall refer  
451 such person (1) to the Court Support Services Division for  
452 confirmation of the eligibility of the applicant, (2) to the Department of  
453 Mental Health and Addiction Services for evaluation and  
454 determination of an appropriate drug education or substance abuse  
455 treatment program for the first or second time such application is  
456 granted, and (3) to a state-licensed substance abuse treatment program  
457 for evaluation and determination of an appropriate substance abuse  
458 treatment program for the third time such application is granted,  
459 except that, if such person is a veteran, the court may refer such person  
460 to the Department of Veterans' Affairs or the United States Department  
461 of Veterans Affairs, as applicable, for any such evaluation and  
462 determination. For the purposes of this subsection and subsection (d)  
463 of this section, "veteran" means any person who was discharged or  
464 released under conditions other than dishonorable from active service  
465 in the armed forces as defined in section 27-103.

466 (d) (1) (A) Upon confirmation of eligibility and receipt of the  
467 evaluation and determination required under subsection (c) of this  
468 section, such person shall be placed in the pretrial drug education and  
469 community service program and referred by the Court Support  
470 Services Division for the purpose of receiving appropriate drug

471 education services or substance abuse treatment program services, as  
472 recommended by the evaluation conducted pursuant to subsection (c)  
473 of this section and ordered by the court, to the Department of Mental  
474 Health and Addiction Services or to a state-licensed substance abuse  
475 treatment program for placement in the appropriate drug education or  
476 substance abuse treatment program, except that, if such person is a  
477 veteran, the division may refer such person to the Department of  
478 Veterans' Affairs or the United States Department of Veterans Affairs,  
479 subject to the provisions of subdivision (2) of this subsection.

480 (B) Persons who have been granted entry into the pretrial drug  
481 education and community service program for the first time shall  
482 participate in either a [fifteen-week] fifteen-session drug education  
483 program or a substance abuse treatment program of not less than  
484 fifteen sessions, as ordered by the court on the basis of the evaluation  
485 and determination required under subsection (c) of this section.  
486 Persons who have been granted entry into the pretrial drug education  
487 and community service program for the second time shall participate  
488 in either a [fifteen-week] fifteen-session drug education program or a  
489 substance abuse treatment program of not less than fifteen sessions, as  
490 ordered by the court based on the evaluation and determination  
491 required under subsection (c) of this section. Persons who have been  
492 granted entry into the pretrial drug education and community service  
493 program for a third time shall be referred to a state-licensed substance  
494 abuse program for evaluation and participation in a course of  
495 treatment as ordered by the court based on the evaluation and  
496 determination required under subsection (c) of this section.

497 (C) Persons who have been granted entry into the pretrial drug  
498 education and community service program shall also participate in a  
499 community service program administered by the Court Support  
500 Services Division pursuant to section 53a-39c. Persons who have been  
501 granted entry into the pretrial drug education and community service  
502 program for the first time shall participate in the community service  
503 program for a period of five days. Persons who have been granted

504 entry into the pretrial drug education and community service program  
505 for the second time shall participate in the community service program  
506 for a period of fifteen days. Persons who have been granted entry into  
507 the pretrial drug education and community service program for a third  
508 or additional time shall participate in the community service program  
509 for a period of thirty days.

510 (D) Placement in the pretrial drug education and community service  
511 program pursuant to this section shall not exceed one year. Persons  
512 receiving substance abuse treatment program services in accordance  
513 with the provisions of this section shall only receive such services at  
514 state-licensed substance abuse treatment program facilities that are in  
515 compliance with all state standards governing the operation of such  
516 facilities, except that, if such person is a veteran, such person may  
517 receive services from facilities under the supervision of the  
518 Department of Veterans' Affairs or the United States Department of  
519 Veterans Affairs, subject to the provisions of subdivision (2) of this  
520 subsection.

521 (E) Any person who enters the pretrial drug education and  
522 community service program shall agree: (i) To the tolling of the statute  
523 of limitations with respect to such crime; (ii) to a waiver of such  
524 person's right to a speedy trial; (iii) to complete participation in the  
525 pretrial drug education and community service program, as ordered  
526 by the court; (iv) to commence participation in the pretrial drug  
527 education and community service program not later than ninety days  
528 after the date of entry of the court order unless granted a delayed entry  
529 into the program by the court; and (v) upon completion of  
530 participation in the pretrial drug education and community service  
531 program, to accept (I) placement in a treatment program upon the  
532 recommendation of a provider under contract with the Department of  
533 Mental Health and Addiction Services or a provider under the  
534 supervision of the Department of Veterans' Affairs or the United States  
535 Department of Veterans Affairs, or (II) placement in a treatment  
536 program that has standards substantially similar to, or higher than, a

537 program of a provider under contract with the Department of Mental  
538 Health and Addiction Services, if the Court Support Services Division  
539 deems it appropriate.

540 (2) The Court Support Services Division may only refer a veteran to  
541 the Department of Veterans' Affairs or the United States Department of  
542 Veterans Affairs for the receipt of services under the program if (A) the  
543 division determines that such services will be provided in a timely  
544 manner under standards substantially similar to, or higher than,  
545 standards for services provided by the Department of Mental Health  
546 and Addiction Services under the program, and (B) the applicable  
547 department agrees to submit timely program participation and  
548 completion reports to the division in the manner required by the  
549 division.

550 (e) If the Court Support Services Division informs the court that  
551 such person is ineligible for the program and the court makes a  
552 determination of ineligibility or if the program provider certifies to the  
553 court that such person did not successfully complete the assigned  
554 program and such person did not request, or the court denied,  
555 reinstatement in the program under subsection (i) of this section, the  
556 court shall order the court file to be unsealed, enter a plea of not guilty  
557 for such person and immediately place the case on the trial list.

558 (f) If such person satisfactorily completes the assigned program,  
559 such person may apply for dismissal of the charges against such  
560 person and the court, on reviewing the record of such person's  
561 participation in such program submitted by the Court Support  
562 Services Division and on finding such satisfactory completion, shall  
563 dismiss the charges. If such person does not apply for dismissal of the  
564 charges against such person after satisfactorily completing the  
565 assigned program, the court, upon receipt of the record of such  
566 person's participation in such program submitted by the Court  
567 Support Services Division, may on its own motion make a finding of  
568 such satisfactory completion and dismiss the charges. Upon motion of  
569 such person and a showing of good cause, the court may extend the

570 placement period for a reasonable period of time to allow such person  
571 to complete the assigned program. A record of participation in such  
572 program shall be retained by the Court Support Services Division for a  
573 period of ten years from the date the court grants the application for  
574 participation in the program.

575 (g) At the time the court grants the application for participation in  
576 the pretrial drug education and community service program, any  
577 person ordered to participate in [the] such drug education program  
578 shall pay to the court a nonrefundable program fee of six hundred  
579 dollars. If the court orders participation in a substance abuse treatment  
580 program, such person shall pay to the court a nonrefundable program  
581 fee of one hundred dollars and shall be responsible for the costs  
582 associated with such program. No person may be excluded from any  
583 such program for inability to pay such fee or cost, provided (1) such  
584 person files with the court an affidavit of indigency or inability to pay,  
585 (2) such indigency or inability to pay is confirmed by the Court  
586 Support Services Division, and (3) the court enters a finding thereof.  
587 The court may waive all or any portion of such fee depending on such  
588 person's ability to pay. If the court finds that a person is indigent or  
589 unable to pay for a substance abuse treatment program, the costs of  
590 such program shall be paid from the pretrial account established under  
591 section 54-56k. If the court denies the application, such person shall not  
592 be required to pay the program fee. If the court grants the application,  
593 and such person is later determined to be ineligible for participation in  
594 such pretrial drug education and community service program or fails  
595 to complete the assigned program, the program fee shall not be  
596 refunded. All program fees shall be credited to the pretrial account  
597 established under section 54-56k.

598 (h) If a person returns to court with certification from a program  
599 provider that such person did not successfully complete the assigned  
600 program or is no longer amenable to treatment, the provider, to the  
601 extent practicable, shall include a recommendation to the court as to  
602 whether placement in a drug education program or placement in a

603 substance abuse treatment program would best serve such person's  
604 needs. The provider shall also indicate whether the current program  
605 referral was an initial referral or a reinstatement to the program.

606 (i) When a person subsequently requests reinstatement into a drug  
607 education program or a substance abuse treatment program and the  
608 Court Support Services Division verifies that such person is eligible for  
609 reinstatement into such program and thereafter the court favorably  
610 acts on such request, any person reinstated into [the] such drug  
611 education program shall pay a nonrefundable program fee of two  
612 hundred fifty dollars, and any person reinstated into a substance abuse  
613 treatment program shall be responsible for the costs, if any, associated  
614 with being reinstated into the treatment program. Unless good cause is  
615 shown, such program fee shall not be waived. All program fees  
616 collected in connection with a reinstatement to a drug education  
617 program shall be credited to the pretrial account established under  
618 section 54-56k. No person shall be permitted more than two program  
619 reinstatements pursuant to this subsection.

620 (j) The Department of Mental Health and Addiction Services shall  
621 develop standards and oversee appropriate drug education programs  
622 that it administers to meet the requirements of this section and may  
623 contract with service providers to provide such programs. The  
624 department shall adopt regulations, in accordance with chapter 54, to  
625 establish standards for such drug education programs.

626 (k) Any person whose employment or residence or schooling makes  
627 it unreasonable to attend a drug education program or substance  
628 abuse treatment program in this state may attend a program in another  
629 state that has standards similar to, or higher than, those of this state,  
630 subject to the approval of the court and payment of the program fee or  
631 costs as provided in this section.

632 Sec. 13. Subsection (b) of section 54-56l of the general statutes is  
633 repealed and the following is substituted in lieu thereof (*Effective*  
634 *October 1, 2015*):

635 (b) A person shall be ineligible to participate in such supervised  
636 diversionary program if such person (1) is ineligible to participate in  
637 the pretrial program for accelerated rehabilitation under subsection (c)  
638 of section 54-56e, as amended by this act, except if a person's  
639 ineligibility is based on the person's being eligible for the pretrial  
640 family violence education program established under section 46b-38c,  
641 the court may permit such person to participate in the supervised  
642 diversionary program if it finds that the supervised diversionary  
643 program is the more appropriate program under the circumstances of  
644 the case, or (2) has twice previously participated in such supervised  
645 diversionary program.

646 Sec. 14. Section 17a-580 of the general statutes is repealed and the  
647 following is substituted in lieu thereof (*Effective from passage*):

648 As used in sections 17a-581 to [17a-602] 17a-603, inclusive, and this  
649 section:

650 (1) "Acquittee" means any person found not guilty by reason of  
651 mental disease or defect pursuant to section 53a-13;

652 (2) "Board" means the Psychiatric Security Review Board established  
653 pursuant to section 17a-581;

654 (3) "Conditional release" means release [subject] of the acquittee  
655 from a hospital for psychiatric disabilities to the jurisdiction of the  
656 board for supervision and treatment [on an outpatient basis] and  
657 includes, but is not limited to, the monitoring of mental and physical  
658 health treatment;

659 (4) "Court" means the Superior Court;

660 (5) "Danger to himself or others" includes danger to the property of  
661 others;

662 (6) ["Hospital for mental illness"] "Hospital for psychiatric  
663 disabilities" means any public or private hospital, retreat, institution,

664 house or place in which a person with psychiatric disabilities or drug-  
665 dependent person is received or detained as a patient, but does not  
666 include any correctional institution of the state;

667 (7) ["Mental illness"] "Psychiatric disability" includes any mental  
668 illness in a state of remission when the illness may, with reasonable  
669 medical probability, become active. "Psychiatric disability" does not  
670 include an abnormality manifested only by repeated criminal or  
671 otherwise antisocial conduct;

672 (8) "Intellectual disability" has the same meaning as provided in  
673 section 1-1g;

674 (9) "Person who should be conditionally released" means an  
675 acquittee who has psychiatric disabilities or has intellectual disability  
676 to the extent that his final discharge would constitute a danger to  
677 himself or others but who can be adequately controlled with available  
678 supervision and treatment on conditional release;

679 (10) "Person who should be confined" means an acquittee who has  
680 psychiatric disabilities or has intellectual disability to the extent that  
681 such acquittee's discharge or conditional release would constitute a  
682 danger to the acquittee or others and who cannot be adequately  
683 controlled with available supervision and treatment on conditional  
684 release;

685 (11) "Person who should be discharged" means an acquittee who  
686 does not have psychiatric disabilities or does not have intellectual  
687 disability to the extent that such acquittee's discharge would constitute  
688 a danger to the acquittee or others;

689 (12) "Psychiatrist" means a physician specializing in psychiatry and  
690 licensed under the provisions of sections 20-9 to 20-12, inclusive;

691 (13) "Psychologist" means a clinical psychologist licensed under the  
692 provisions of sections 20-186 to 20-195, inclusive;

693 (14) "State's attorney" means the state's attorney for the judicial  
694 district wherein the acquittee was found not guilty by reason of mental  
695 disease or defect pursuant to section 53a-13; and

696 (15) "Superintendent" means any person, body of persons or  
697 corporation, or the designee of any such person, body of persons or  
698 corporation, which has the immediate supervision, management and  
699 control of a hospital for [mental illness] psychiatric disabilities and the  
700 patients therein.

701 Sec. 15. Section 53a-167c of the general statutes is repealed and the  
702 following is substituted in lieu thereof (*Effective October 1, 2015*):

703 (a) A person is guilty of assault of public safety, emergency medical,  
704 public transit or health care personnel when, with intent to prevent a  
705 reasonably identifiable peace officer, special policeman appointed  
706 under section 29-18b, motor vehicle inspector designated under section  
707 14-8 and certified pursuant to section 7-294d, firefighter or employee of  
708 an emergency medical service organization, as defined in section 53a-3,  
709 emergency room physician or nurse, health care employee as defined  
710 in section 19a-490q, employee of the Department of Correction,  
711 member or employee of the Board of Pardons and Paroles, probation  
712 officer, employee of the Judicial Branch assigned to provide pretrial  
713 secure detention and programming services to juveniles accused of the  
714 commission of a delinquent act, liquor control agent, state or  
715 municipal animal control officer, security officer, employee of the  
716 Department of Children and Families assigned to provide direct  
717 services to children and youths in the care or custody of the  
718 department, employee of a municipal police department assigned to  
719 provide security at the police department's lockup and holding facility,  
720 active individual member of a volunteer canine search and rescue  
721 team, as defined in section 5-249, or public transit employee from  
722 performing his or her duties, and while such peace officer, special  
723 policeman, motor vehicle inspector, firefighter, employee, physician,  
724 nurse, health care employee, member, liquor control agent, animal  
725 control officer, security officer, probation officer or active individual

726 member is acting in the performance of his or her duties, (1) such  
727 person causes physical injury to such peace officer, special policeman,  
728 motor vehicle inspector, firefighter, employee, physician, nurse,  
729 member, liquor control agent, animal control officer, security officer,  
730 probation officer or active individual member, or (2) such person  
731 throws or hurls, or causes to be thrown or hurled, any rock, bottle, can  
732 or other article, object or missile of any kind capable of causing  
733 physical harm, damage or injury, at such peace officer, special  
734 policeman, motor vehicle inspector, firefighter, employee, physician,  
735 nurse, member, liquor control agent, animal control officer, security  
736 officer, probation officer or active individual member, or (3) such  
737 person uses or causes to be used any mace, tear gas or any like or  
738 similar deleterious agent against such peace officer, special policeman,  
739 motor vehicle inspector, firefighter, employee, physician, nurse,  
740 member, liquor control agent, animal control officer, security officer,  
741 probation officer or active individual member, or (4) such person  
742 throws or hurls, or causes to be thrown or hurled, any paint, dye or  
743 other like or similar staining, discoloring or coloring agent or any type  
744 of offensive or noxious liquid, agent or substance at such peace officer,  
745 special policeman, motor vehicle inspector, firefighter, employee,  
746 physician, nurse, member, liquor control agent, animal control officer,  
747 security officer, probation officer or active individual member, or (5)  
748 such person throws or hurls, or causes to be thrown or hurled, any  
749 bodily fluid including, but not limited to, urine, feces, blood or saliva  
750 at such peace officer, special policeman, motor vehicle inspector,  
751 firefighter, employee, physician, nurse, member, liquor control agent,  
752 animal control officer, security officer, probation officer or active  
753 individual member. For the purposes of this section, "public transit  
754 employee" means a person employed by the state, a political  
755 subdivision of the state, a transit district formed under chapter 103a or  
756 a person with whom the Commissioner of Transportation has  
757 contracted in accordance with section 13b-34 to provide transportation  
758 services who operates a vehicle or vessel providing public [rail  
759 service,] ferry service or fixed route bus service or performs duties  
760 directly related to the operation of such vehicle or vessel, or who, as

761 part of the provision of public rail service, is a train operator,  
762 conductor, inspector, signal person or station agent and "security  
763 officer" has the same meaning as provided in section 29-152u.

764 (b) Assault of public safety, emergency medical, public transit or  
765 health care personnel is a class C felony. If any person who is confined  
766 in an institution or facility of the Department of Correction is  
767 sentenced to a term of imprisonment for assault of an employee of the  
768 Department of Correction under this section, such term shall run  
769 consecutively to the term for which the person was serving at the time  
770 of the assault.

771 (c) In any prosecution under this section involving assault of a  
772 health care employee, as defined in section 19a-490q, it shall be a  
773 defense that the defendant is a person with a disability as described in  
774 subdivision (13), (15) or (20) of section 46a-51 and the defendant's  
775 conduct was a clear and direct manifestation of the disability.

776 Sec. 16. Section 53a-70 of the general statutes is repealed and the  
777 following is substituted in lieu thereof (*Effective October 1, 2015*):

778 (a) A person is guilty of sexual assault in the first degree when such  
779 person (1) compels another person to engage in sexual intercourse by  
780 the use of force against such other person or a third person, or by the  
781 threat of use of force against such other person or against a third  
782 person which reasonably causes such person to fear physical injury to  
783 such person or a third person, or (2) engages in sexual intercourse with  
784 another person and such other person is under thirteen years of age  
785 and the actor is more than two years older than such person, or (3)  
786 commits sexual assault in the second degree as provided in section  
787 53a-71 and in the commission of such offense is aided by two or more  
788 other persons actually present, or (4) engages in sexual intercourse  
789 with another person and such other person is mentally incapacitated to  
790 the extent that such other person is unable to consent to such sexual  
791 intercourse.

792 (b) (1) Except as provided in subdivision (2) of this subsection,  
793 sexual assault in the first degree is a class B felony for which two years  
794 of the sentence imposed may not be suspended or reduced by the  
795 court or, if the victim of the offense is under ten years of age, for which  
796 ten years of the sentence imposed may not be suspended or reduced  
797 by the court.

798 (2) Sexual assault in the first degree is a class A felony if the offense  
799 is a violation of subdivision (1) of subsection (a) of this section and the  
800 victim of the offense is under sixteen years of age or the offense is a  
801 violation of subdivision (2) of subsection (a) of this section. Any person  
802 found guilty under said subdivision (1) or (2) shall be sentenced to a  
803 term of imprisonment of which ten years of the sentence imposed may  
804 not be suspended or reduced by the court if the victim is under ten  
805 years of age or of which five years of the sentence imposed may not be  
806 suspended or reduced by the court if the victim is under sixteen years  
807 of age.

808 (3) Any person found guilty under this section shall be sentenced to  
809 a term of imprisonment of at least ten years, a portion of which may be  
810 suspended, except as provided in subdivisions (1) and (2) of this  
811 subsection, or a term of imprisonment and a period of special parole  
812 pursuant to subsection (b) of section 53a-28 which together constitute a  
813 sentence of at least ten years. Notwithstanding the provisions of  
814 subsection (a) of section 53a-29 and except as otherwise provided in  
815 this subsection, a court may suspend a portion of a sentence imposed  
816 under this subsection and impose a period of supervised probation  
817 pursuant to subsection (f) of section 53a-29.

818 Sec. 17. Section 53a-70a of the general statutes is repealed and the  
819 following is substituted in lieu thereof (*Effective October 1, 2015*):

820 (a) A person is guilty of aggravated sexual assault in the first degree  
821 when such person commits sexual assault in the first degree as  
822 provided in section 53a-70, as amended by this act, and in the  
823 commission of such offense (1) such person uses or is armed with and

824 threatens the use of or displays or represents by such person's words  
825 or conduct that such person possesses a deadly weapon, (2) with intent  
826 to disfigure the victim seriously and permanently, or to destroy,  
827 amputate or disable permanently a member or organ of the victim's  
828 body, such person causes such injury to such victim, (3) under  
829 circumstances evincing an extreme indifference to human life such  
830 person recklessly engages in conduct which creates a risk of death to  
831 the victim, and thereby causes serious physical injury to such victim,  
832 or (4) such person is aided by two or more other persons actually  
833 present. No person shall be convicted of sexual assault in the first  
834 degree and aggravated sexual assault in the first degree upon the same  
835 transaction but such person may be charged and prosecuted for both  
836 such offenses upon the same information.

837 (b) [Aggravated] (1) Except as provided in subdivision (2) of this  
838 subsection, aggravated sexual assault in the first degree is a class B  
839 felony. Any person found guilty under this section of a class B felony  
840 shall be sentenced to a term of imprisonment of at least ten years, five  
841 years of which may not be suspended or reduced by the court.

842 [or,] (2) Aggravated sexual assault in the first degree is a class A  
843 felony if the victim of the offense is under sixteen years of age. [, a class  
844 A felony.] Any person found guilty under this section of a class A  
845 felony shall be sentenced to a term of imprisonment of which [five] ten  
846 years of the sentence imposed may not be suspended or reduced by  
847 the court, except that, if such person committed sexual assault in the  
848 first degree by violating subdivision (1) of subsection (a) of section 53a-  
849 70, as amended by this act, and the victim of the offense is under  
850 sixteen years of age, twenty years of the sentence imposed may not be  
851 suspended or reduced by the court. [Any person found guilty under  
852 this section shall be sentenced to] Notwithstanding the provisions of  
853 subsection (a) of section 53a-29 and except as otherwise provided in  
854 this subsection, a court may suspend a portion of a sentence imposed  
855 under this subdivision and impose a period of probation pursuant to  
856 subsection (f) of section 53a-29, or may impose a term of imprisonment

857 and a period of special parole pursuant to subsection (b) of section 53a-  
858 28. [of at least five years.]

859 Sec. 18. Subdivision (9) of section 53a-3 of the general statutes is  
860 repealed and the following is substituted in lieu thereof (*Effective from*  
861 *passage*):

862 (9) "Peace officer" means a member of the Division of State Police  
863 within the Department of Emergency Services and Public Protection or  
864 an organized local police department, a chief inspector or inspector in  
865 the Division of Criminal Justice, a state marshal while exercising  
866 authority granted under any provision of the general statutes, a  
867 judicial marshal in the performance of the duties of a judicial marshal,  
868 a conservation officer or special conservation officer, as defined in  
869 section 26-5, a constable who performs criminal law enforcement  
870 duties, a special policeman appointed under section 29-18, 29-18a or  
871 29-19, an adult probation officer, an official of the Department of  
872 Correction authorized by the Commissioner of Correction to make  
873 arrests in a correctional institution or facility, any investigator in the  
874 investigations unit of the office of the State Treasurer, a United States  
875 marshal or deputy marshal, any special agent of the federal  
876 government authorized to enforce the provisions of Title 21 of the  
877 United States Code, or a member of a law enforcement unit of the  
878 Mashantucket Pequot Tribe or the Mohegan Tribe of Indians of  
879 Connecticut created and governed by a memorandum of agreement  
880 under section 47-65c who is certified as a police officer by the Police  
881 Officer Standards and Training Council pursuant to sections 7-294a to  
882 7-294e, inclusive;

883 Sec. 19. (NEW) (*Effective from passage*) (a) There is established a  
884 Domestic Violence Offender Program Standards Advisory Council.  
885 The Domestic Violence Offender Program Standards Advisory Council  
886 shall promulgate, review and, as needed, update and amend the  
887 domestic violence offender program standards that were presented to  
888 the Criminal Justice Policy Advisory Committee on September 25,  
889 2014.

- 890 (b) The council shall consist of the following members:
- 891 (1) One appointed by the speaker of the House of Representatives,  
892 who shall be a representative of the Connecticut Coalition Against  
893 Domestic Violence, Inc.;
- 894 (2) One appointed by the president pro tempore of the Senate, who  
895 shall be a representative of a community-based organization that  
896 provides group counseling or treatment to persons who have  
897 committed acts of domestic violence;
- 898 (3) One appointed by the majority leader of the House of  
899 Representatives, who shall be a community-based practicing  
900 psychologist or a licensed clinical social worker who provides  
901 individual counseling or treatment services to persons who have  
902 committed acts of domestic violence;
- 903 (4) One appointed by the majority leader of the Senate, who shall be  
904 a representative of the Connecticut Police Chiefs Association;
- 905 (5) One appointed by the minority leader of the House of  
906 Representatives, who shall be a representative of a community-based  
907 organization that provides services to adults with mental health or  
908 substance use disorders;
- 909 (6) One appointed by the minority leader of the Senate, who shall be  
910 a representative of a community-based organization that provides  
911 direct services to persons impacted by domestic violence;
- 912 (7) Two appointed by the Chief Court Administrator, one of whom  
913 shall be a representative of the Court Support Services Division and  
914 one of whom shall be a representative of the Office of Victim Services;
- 915 (8) The chairperson of the Board of Pardons and Parole, or the  
916 chairperson's designee;
- 917 (9) The Chief State's Attorney, or the Chief State's Attorney's

918 designee;

919 (10) The Chief Public Defender, or the Chief Public Defender's  
920 designee;

921 (11) The Victim Advocate, or the Victim Advocate's designee; and

922 (12) The Commissioners of Children and Families, Mental Health  
923 and Addiction Services, Correction and Public Health, or said  
924 commissioners' designees.

925 (c) All appointments to the council shall be made not later than  
926 thirty days after the effective date of this section. Any vacancy shall be  
927 filled by the appointing authority.

928 (d) The representative of the Court Support Services Division and  
929 the representative of the Connecticut Coalition Against Domestic  
930 Violence, Inc. shall serve as the chairpersons of the council. Such  
931 chairpersons shall schedule the first meeting of the council, which shall  
932 be held not later than sixty days after the effective date of this section.  
933 Thereafter, the council shall meet upon the call of the chairpersons or  
934 upon the call of a majority of the council members.

935 (e) The administrative staff of the joint standing committee of the  
936 General Assembly having cognizance of matters relating to judiciary  
937 shall serve as administrative staff of the council.

938 (f) Not later than February 1, 2016, and annually thereafter, the  
939 council shall submit a report on its activities to the joint standing  
940 committee of the General Assembly having cognizance of matters  
941 relating to judiciary, in accordance with the provisions of section 11-4a  
942 of the general statutes. The report shall include any updates or  
943 amendments to the domestic violence offender program standards  
944 adopted during the preceding calendar year.

945 Sec. 20. (NEW) (*Effective from passage*) Not later than thirty days after  
946 the effective date of this section, the Criminal Justice Policy Advisory

947 Committee shall submit to the Chief Court Administrator the domestic  
948 violence offender program standards that were presented to said  
949 committee on September 25, 2014. The Chief Court Administrator shall  
950 ensure that such program standards, and any updates or revisions  
951 thereto provided to the Chief Court Administrator by the Domestic  
952 Violence Offender Program Standards Advisory Council, are  
953 accessible electronically on the Internet web site of the Judicial Branch.

954 Sec. 21. Subsection (g) of section 46b-38c of the general statutes is  
955 repealed and the following is substituted in lieu thereof (*Effective*  
956 *January 1, 2016*):

957 (g) (1) In cases referred to the local family violence intervention unit,  
958 it shall be the function of the unit to [(1)] (A) identify victim service  
959 needs, [and, by contract with victim service providers, make available  
960 appropriate services that include, but are not limited to, the provision  
961 of trauma-informed care by a counselor who provides trauma-  
962 informed care, or a referral to a counselor, and (2) identify appropriate  
963 offender services and where possible, by contract, provide treatment  
964 programs for offenders. For purposes of this subsection, "trauma-  
965 informed care" means trauma-informed care, as defined in subsection  
966 (d) of section 46b-38b.] (B) assess offenders for the purpose of  
967 identifying appropriate services, and (C) monitor compliance with  
968 program requirements by offenders who are allowed to participate in  
969 the pretrial family violence education program described in subsection  
970 (h) of this section.

971 (2) The Judicial Department may contract with victim service  
972 providers to make available, either directly or through referral,  
973 appropriate services that include, but are not limited to, the provision  
974 of trauma-informed care, as defined in subsection (d) of section 46b-  
975 38b.

976 (3) The Judicial Department may contract with service providers to  
977 provide domestic violence offender treatment programs for offenders  
978 referred by the court. Such treatment programs shall comply with the

979 domestic violence offender program standards promulgated under  
980 section 19 of this act. The provisions of this subdivision shall not apply  
981 to the pretrial family violence education program described in  
982 subsection (h) of this section.

983 Sec. 22. (NEW) (*Effective January 1, 2016*) For any family violence  
984 case initiated on or after July 1, 2016, that is not referred to the local  
985 family violence intervention unit as provided in subsection (g) of  
986 section 46b-38c of the general statutes, as amended by this act, the  
987 prosecuting authority shall not enter a nolle prosequi as to any charge  
988 of a family violence crime, as defined in section 46b-38a of the general  
989 statutes, unless the prosecuting authority states in open court his or  
990 her reasons for the nolle prosequi and, if the reasons include  
991 consideration of the defendant's participation in a counseling or  
992 treatment program, a representation that such counseling or treatment  
993 program complies with the program standards promulgated under  
994 section 19 of this act.

995 Sec. 23. Section 54-86d of the general statutes is repealed and the  
996 following is substituted in lieu thereof (*Effective July 1, 2015*):

997 Any person who has been the victim of a sexual assault under  
998 section 53a-70, 53a-70a, 53a-71, 53a-72a, 53a-72b or 53a-73a, or injury or  
999 risk of injury, or impairing of morals under section 53-21, or of an  
1000 attempt thereof, or family violence, as defined in section 46b-38a, shall  
1001 not be required to divulge his or her address or telephone number  
1002 during any trial or pretrial evidentiary hearing arising from the sexual  
1003 assault or injury or risk of injury to, or impairing of morals of, children,  
1004 or family violence; provided the judge presiding over such legal  
1005 proceeding shall find: (1) Such information is not material to the  
1006 proceeding, (2) the identity of the victim has been satisfactorily  
1007 established, and (3) the current address of the victim will be made  
1008 available to the defense in the same manner and time as such  
1009 information is made available to the defense for other criminal  
1010 offenses.

1011 Sec. 24. Section 54-86e of the general statutes is repealed and the  
1012 following is substituted in lieu thereof (*Effective July 1, 2015*):

1013 The name and address of the victim of a sexual assault under  
1014 section 53a-70, 53a-70a, 53a-71, 53a-72a, 53a-72b or 53a-73a, or injury or  
1015 risk of injury, or impairing of morals under section 53-21, or of an  
1016 attempt thereof, or family violence, as defined in section 46b-38a and  
1017 such other identifying information pertaining to such victim as  
1018 determined by the court, shall be confidential and shall be disclosed  
1019 only upon order of the Superior Court, except that (1) such information  
1020 shall be available to the accused in the same manner and time as such  
1021 information is available to persons accused of other criminal offenses,  
1022 and (2) if a protective order is issued in a prosecution under any of  
1023 said sections, the name and address of the victim, in addition to the  
1024 information contained in and concerning the issuance of such order,  
1025 shall be entered in the registry of protective orders pursuant to section  
1026 51-5c.

1027 Sec. 25. Section 47-239a of the general statutes is repealed and the  
1028 following is substituted in lieu thereof (*Effective from passage*):

1029 In the case of a master association: (1) That is comprised of common  
1030 interest communities consisting of not less than four hundred units but  
1031 not more than six hundred units, (2) in which the master association is  
1032 governed by a board of directors consisting of one individual  
1033 representing each constituent common interest community, who is on  
1034 the board of directors of the constituent common interest community,  
1035 and (3) in which the master association board of directors has a  
1036 weighted vote based on the number of units in the constituent  
1037 common interest community represented by the director:

1038 (A) On the written consent of unit owners owning not less than  
1039 twenty-five per cent of the units in the constituent common interest  
1040 communities of such master association, the master association shall be  
1041 terminated and dissolved and shall convey all assets owned by the  
1042 master association to a new nonstock corporation that shall be formed

1043 not later than sixty days after the termination and dissolution of the  
1044 master association.

1045 (B) The associations of unit owners of the constituent common  
1046 interest communities shall be the members of the new nonstock  
1047 corporation. Each of the member associations shall appoint one person  
1048 to be a member of the board of directors of the new nonstock  
1049 corporation. Each member of the board of directors of the new  
1050 nonstock corporation shall have one equal vote on matters to be voted  
1051 on by the board of directors.

1052 (C) The unit owners of each constituent common interest  
1053 community shall have equal rights to utilize the facilities owned by the  
1054 new nonstock corporation and each constituent common interest  
1055 community shall share in the cost of the operation, maintenance, repair  
1056 and replacement of the facilities of the new nonstock corporation on  
1057 the basis of the number of units in each constituent common interest  
1058 community as a percentage of the total number of units in all  
1059 constituent common interest communities that comprise the master  
1060 association.

1061 (D) The Superior Court shall have jurisdiction to enter such orders  
1062 as may be appropriate in the circumstances to implement the  
1063 termination and transfer and the organization and operation of the  
1064 new nonstock corporation.

1065 Sec. 26. Subdivision (3) of subsection (b) of section 47-250 of the  
1066 general statutes is repealed and the following is substituted in lieu  
1067 thereof (*Effective October 1, 2015*):

1068 (3) Notwithstanding any actions taken by [unanimous consent] not  
1069 less than two-thirds consent of the entire executive board pursuant to  
1070 subdivision (8) or (9) of this subsection, during and after the period of  
1071 declarant control, the executive board shall meet at least two times a  
1072 year at the common interest community or at a place convenient to the  
1073 community. Those meetings, and after termination of the period of

1074 declarant control, all executive board meetings, shall be at the common  
1075 interest community or at a place convenient to the community unless  
1076 the bylaws are amended to vary the location of those meetings.

1077 Sec. 27. Subdivision (9) of subsection (b) of section 47-250 of the  
1078 general statutes is repealed and the following is substituted in lieu  
1079 thereof (*Effective October 1, 2015*):

1080 (9) Instead of meeting, the executive board may act by [unanimous  
1081 consent] not less than two-thirds consent of all executive board  
1082 members as documented in a record authenticated by [all] its  
1083 members, noting the consent or nonconsent of each executive board  
1084 member. The secretary promptly shall give notice to all unit owners of  
1085 any action taken by [unanimous consent] not less than two-thirds  
1086 consent of all executive board members.

1087 Sec. 28. Subsection (f) of section 14-224 of the general statutes is  
1088 repealed and the following is substituted in lieu thereof (*Effective*  
1089 *October 1, 2015*):

1090 (f) Any person who violates the provisions of subsection (a) or  
1091 subdivision (1) of subsection (b) of this section shall be fined not more  
1092 than [ten] twenty thousand dollars or be imprisoned not less than [one  
1093 year] two years nor more than [ten] twenty years or be both fined and  
1094 imprisoned.

1095 Sec. 29. Subsection (f) of section 52-148e of the general statutes is  
1096 repealed and the following is substituted in lieu thereof (*Effective*  
1097 *October 1, 2015*):

1098 (f) (1) Deposition of witnesses living in this state may be taken in  
1099 like manner to be used as evidence in a civil action or probate  
1100 proceeding pending in any court of the United States or of any other  
1101 state of the United States or of any foreign country, on application to  
1102 the court in which such civil action or probate proceeding is pending  
1103 of any party to such civil action or probate proceeding. The Superior  
1104 Court shall have jurisdiction to quash or modify, or to enforce

1105 compliance with, a subpoena issued for the taking of a deposition  
1106 pursuant to this subsection.

1107 (2) Any person to whom a subpoena has been directed in a civil  
1108 action or probate proceeding, other than a party to such civil action or  
1109 probate court proceeding, pending in any court of any other state of  
1110 the United States or of any foreign country, which subpoena  
1111 commands (A) the person's appearance at a deposition, or (B) the  
1112 production, copying or inspection of books, papers, documents or  
1113 tangible things may, within fifteen days after the service thereof or on  
1114 or before the time specified in the subpoena for compliance if such  
1115 time is less than fifteen days after service, serve upon the party who  
1116 requested issuance of the subpoena written objection to appearing or  
1117 producing, copying or permitting the inspection of such books, papers,  
1118 documents or tangible things on the ground that the subpoena will  
1119 cause such person undue or unreasonable burden or expense. Service  
1120 of the objection shall be made by United States mail, certified or  
1121 registered, postage prepaid, return receipt requested, without the use  
1122 of a state marshal or other officer. Such written objection shall be  
1123 accompanied by an affidavit of costs setting forth the estimated or  
1124 actual costs of compliance with such subpoena, including, but not  
1125 limited to, the person's attorney's fees or the costs to such person of  
1126 electronic discovery. If a person makes such written objection, the  
1127 party who requested issuance of the subpoena (i) shall not be entitled  
1128 to compel such person's appearance or receive, copy or inspect the  
1129 books, papers, documents or tangible things, except pursuant to an  
1130 order of the Superior Court, and (ii) may, upon notice to such person,  
1131 file a motion with the Superior Court for an order to compel such  
1132 person's appearance or production, copying or inspection of such  
1133 materials in accordance with the terms of such subpoena. When ruling  
1134 on such motion to compel, the Superior Court shall make a finding as  
1135 to whether the subpoena subjects the person to undue or unreasonable  
1136 burden or expense prior to entering any order to compel such person's  
1137 appearance or the production, copying or inspection of such materials.  
1138 If the Superior Court finds that the subpoena issued to the person

1139 subjects such person to undue or unreasonable burden or expense, any  
1140 order to compel such person's appearance or production, copying or  
1141 inspection of such materials shall protect the person from undue or  
1142 unreasonable burden or expense resulting from compliance with such  
1143 subpoena and, except in the case of a subpoena commanding the  
1144 production, copying or inspection of medical records, may include, but  
1145 not be limited to, the reimbursement of such person's reasonable costs  
1146 of compliance, as set forth in the affidavit of costs.

1147 (3) The provisions of subdivision (2) of this subsection shall not  
1148 apply to a civil action filed to recover damages resulting from personal  
1149 injury or wrongful death in which it is alleged that such injury or  
1150 death resulted from the professional malpractice of a health care  
1151 provider or health care institution.

1152 Sec. 30. Section 47-27 of the general statutes is repealed and the  
1153 following is substituted in lieu thereof (*Effective October 1, 2015*):

1154 (a) No length of possession, use or occupancy of land belonging to a  
1155 railroad or street railway corporation and used for its corporate  
1156 purposes shall create or continue any right in or to such land. No  
1157 length of possession, use or occupancy by a railroad or street railway  
1158 corporation of land belonging to another shall create or continue any  
1159 right in or to such land.

1160 (b) No length of possession, use or occupancy of land belonging to a  
1161 nonprofit land-holding organization or of land subject to a  
1162 conservation restriction, as defined in section 47-42a, held by a  
1163 nonprofit land-holding organization shall create or continue any right  
1164 in or to such land. As used in this subsection, "nonprofit land-holding  
1165 organization" means a nonprofit corporation incorporated pursuant to  
1166 chapter 602 or any predecessor statute thereto, having as one of its  
1167 principal purposes the conservation and preservation of land.

1168 (c) No length of possession, use or occupancy of land classified as  
1169 class I or class II land under section 25-37c and belonging to an

1170 investor-owned water company shall create or continue any right in or  
 1171 to such land. The provisions of this subsection shall not affect any right  
 1172 in or to such land acquired by length of possession, use or occupancy  
 1173 pursuant to law prior to October 1, 2002. As used in this subsection,  
 1174 "water company" has the same meaning as provided in section 16-1."

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2015</i>	53a-31(a)
Sec. 2	<i>from passage</i>	New section
Sec. 3	<i>October 1, 2015</i>	53a-54c
Sec. 4	<i>October 1, 2015</i>	53a-60
Sec. 5	<i>October 1, 2015</i>	54-251(a)
Sec. 6	<i>October 1, 2015</i>	54-252(b)
Sec. 7	<i>October 1, 2015</i>	54-254(a)
Sec. 8	<i>October 1, 2015</i>	53a-110a
Sec. 9	<i>October 1, 2015</i>	53a-155
Sec. 10	<i>October 1, 2015</i>	54-56e(c)
Sec. 11	<i>October 1, 2015</i>	54-56g(a) and (b)
Sec. 12	<i>October 1, 2015</i>	54-56i
Sec. 13	<i>October 1, 2015</i>	54-56l(b)
Sec. 14	<i>from passage</i>	17a-580
Sec. 15	<i>October 1, 2015</i>	53a-167c
Sec. 16	<i>October 1, 2015</i>	53a-70
Sec. 17	<i>October 1, 2015</i>	53a-70a
Sec. 18	<i>from passage</i>	53a-3(9)
Sec. 19	<i>from passage</i>	New section
Sec. 20	<i>from passage</i>	New section
Sec. 21	<i>January 1, 2016</i>	46b-38c(g)
Sec. 22	<i>January 1, 2016</i>	New section
Sec. 23	<i>July 1, 2015</i>	54-86d
Sec. 24	<i>July 1, 2015</i>	54-86e
Sec. 25	<i>from passage</i>	47-239a
Sec. 26	<i>October 1, 2015</i>	47-250(b)(3)
Sec. 27	<i>October 1, 2015</i>	47-250(b)(9)
Sec. 28	<i>October 1, 2015</i>	14-224(f)
Sec. 29	<i>October 1, 2015</i>	52-148e(f)
Sec. 30	<i>October 1, 2015</i>	47-27