



Senate

File No. 924

General Assembly

January Session, 2015

(Reprint of File No. 741)

Substitute Senate Bill No. 1105
As Amended by House Amendment
Schedule "A"

Approved by the Legislative Commissioner
May 30, 2015

**AN ACT CONCERNING REVISIONS TO THE CRIMINAL JUSTICE
STATUTES, AND CONCERNING THE PSYCHIATRIC SECURITY
REVIEW BOARD, DOMESTIC VIOLENCE, CONDOMINIUM
ASSOCIATIONS AND DEPOSITIONS OF PERSONS LIVING OUT-OF-
STATE.**

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

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2 repealed and the following is substituted in lieu thereof (*Effective October*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

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

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

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

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

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

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

25 (3) One appointed by the majority leader of the House of
26 Representatives;

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

28 (5) One appointed by the minority leader of the House of
29 Representatives;

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

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

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

36 (9) The Chief State's Attorney.

37 (c) Any member of the task force appointed under subdivision (3),
38 (4), (5) or (6) of subsection (b) of this section may be a member of the
39 General Assembly.

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

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

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

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

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

58 A person is guilty of murder when, acting either alone or with one
59 or more persons, [he] such person commits or attempts to commit
60 robbery, home invasion, burglary, kidnapping, sexual assault in the
61 first degree, aggravated sexual assault in the first degree, sexual
62 assault in the third degree, sexual assault in the third degree with a
63 firearm, escape in the first degree, or escape in the second degree and,
64 in the course of and in furtherance of such crime or of flight therefrom,
65 [he] such person, or another participant, if any, causes the death of a
66 person other than one of the participants, except that in any
67 prosecution under this section, in which the defendant was not the
68 only participant in the underlying crime, it shall be an affirmative
69 defense that the defendant: (1) Did not commit the homicidal act or in
70 any way solicit, request, command, importune, cause or aid the
71 commission thereof; and (2) was not armed with a deadly weapon, or

72 any dangerous instrument; and (3) had no reasonable ground to
73 believe that any other participant was armed with such a weapon or
74 instrument; and (4) had no reasonable ground to believe that any other
75 participant intended to engage in conduct likely to result in death or
76 serious physical injury.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

235 (b) Simple trespass is an infraction.

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

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

247 (b) Tampering with or fabricating physical evidence is a class D
248 felony.

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

252 (c) This section shall not be applicable: (1) To any person charged
253 with (A) a class A felony, (B) a class B felony, except a violation of
254 subdivision (1), (2) or (3) of subsection (a) of section 53a-122 that does
255 not involve the use, attempted use or threatened use of physical force
256 against another person, or a violation of subdivision (4) of subsection
257 (a) of section 53a-122 that does not involve the use, attempted use or
258 threatened use of physical force against another person and does not
259 involve a violation by a person who is a public official, as defined in
260 section 1-110, or a state or municipal employee, as defined in section 1-
261 110, or (C) a violation of section 14-227a, subdivision (2) of subsection
262 (a) of section 53-21, section 53a-56b, 53a-60d, 53a-70, as amended by
263 this act, 53a-70a, as amended by this act, 53a-70b, 53a-71, except as
264 provided in subdivision (5) of this subsection, 53a-72a, 53a-72b, 53a-
265 90a, 53a-196e or 53a-196f, (2) to any person charged with a crime or
266 motor vehicle violation who, as a result of the commission of such
267 crime or motor vehicle violation, causes the death of another person,
268 (3) to any person accused of a family violence crime as defined in
269 section 46b-38a who (A) is eligible for the pretrial family violence
270 education program established under section 46b-38c, or (B) has

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

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

294 (a) (1) There shall be a pretrial alcohol education program for
295 persons charged with a violation of section 14-227a, 14-227g, [15-132a,]
296 15-133 [, 15-140/] or 15-140n. Upon application by any such person for
297 participation in such program and payment to the court of an
298 application fee of one hundred dollars and a nonrefundable evaluation
299 fee of one hundred dollars, the court shall, but only as to the public,
300 order the court file sealed, provided such person states under oath, in
301 open court or before any person designated by the clerk and duly
302 authorized to administer oaths, under penalties of perjury that: (A) If
303 such person is charged with a violation of section 14-227a, 14-227g,
304 subsection (d) of section 15-133 or section 15-140n, such person has not

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

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

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

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

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

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

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

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

428 (b) Upon application by any such person for participation in such
429 program and payment to the court of an application fee of one
430 hundred dollars and a nonrefundable evaluation fee of one hundred
431 fifty dollars, the court shall, but only as to the public, order the court
432 file sealed. A person shall be ineligible for participation in such pretrial
433 drug education and community service program if such person has
434 twice previously participated in (1) the pretrial drug education
435 program established under the provisions of this section in effect prior
436 to October 1, 2013, (2) the community service labor program
437 established under section 53a-39c, (3) the pretrial drug education and
438 community service program established under this section, or (4) any
439 of such programs, except that the court may allow a person who has
440 twice previously participated in such programs to participate in the
441 pretrial drug education and community service program one

442 additional time, for good cause shown. The evaluation and application
443 fee imposed under this subsection shall be credited to the pretrial
444 account established under section 54-56k.

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

464 (d) (1) (A) Upon confirmation of eligibility and receipt of the
465 evaluation and determination required under subsection (c) of this
466 section, such person shall be placed in the pretrial drug education and
467 community service program and referred by the Court Support
468 Services Division for the purpose of receiving appropriate drug
469 education services or substance abuse treatment program services, as
470 recommended by the evaluation conducted pursuant to subsection (c)
471 of this section and ordered by the court, to the Department of Mental
472 Health and Addiction Services or to a state-licensed substance abuse
473 treatment program for placement in the appropriate drug education or
474 substance abuse treatment program, except that, if such person is a
475 veteran, the division may refer such person to the Department of

476 Veterans' Affairs or the United States Department of Veterans Affairs,
477 subject to the provisions of subdivision (2) of this subsection.

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

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

508 (D) Placement in the pretrial drug education and community service

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

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

538 (2) The Court Support Services Division may only refer a veteran to
539 the Department of Veterans' Affairs or the United States Department of
540 Veterans Affairs for the receipt of services under the program if (A) the
541 division determines that such services will be provided in a timely
542 manner under standards substantially similar to, or higher than,

543 standards for services provided by the Department of Mental Health
544 and Addiction Services under the program, and (B) the applicable
545 department agrees to submit timely program participation and
546 completion reports to the division in the manner required by the
547 division.

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

556 (f) If such person satisfactorily completes the assigned program,
557 such person may apply for dismissal of the charges against such
558 person and the court, on reviewing the record of such person's
559 participation in such program submitted by the Court Support
560 Services Division and on finding such satisfactory completion, shall
561 dismiss the charges. If such person does not apply for dismissal of the
562 charges against such person after satisfactorily completing the
563 assigned program, the court, upon receipt of the record of such
564 person's participation in such program submitted by the Court
565 Support Services Division, may on its own motion make a finding of
566 such satisfactory completion and dismiss the charges. Upon motion of
567 such person and a showing of good cause, the court may extend the
568 placement period for a reasonable period of time to allow such person
569 to complete the assigned program. A record of participation in such
570 program shall be retained by the Court Support Services Division for a
571 period of ten years from the date the court grants the application for
572 participation in the program.

573 (g) At the time the court grants the application for participation in
574 the pretrial drug education and community service program, any
575 person ordered to participate in [the] such drug education program

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

596 (h) If a person returns to court with certification from a program
597 provider that such person did not successfully complete the assigned
598 program or is no longer amenable to treatment, the provider, to the
599 extent practicable, shall include a recommendation to the court as to
600 whether placement in a drug education program or placement in a
601 substance abuse treatment program would best serve such person's
602 needs. The provider shall also indicate whether the current program
603 referral was an initial referral or a reinstatement to the program.

604 (i) When a person subsequently requests reinstatement into a drug
605 education program or a substance abuse treatment program and the
606 Court Support Services Division verifies that such person is eligible for
607 reinstatement into such program and thereafter the court favorably
608 acts on such request, any person reinstated into [the] such drug
609 education program shall pay a nonrefundable program fee of two

610 hundred fifty dollars, and any person reinstated into a substance abuse
611 treatment program shall be responsible for the costs, if any, associated
612 with being reinstated into the treatment program. Unless good cause is
613 shown, such program fee shall not be waived. All program fees
614 collected in connection with a reinstatement to a drug education
615 program shall be credited to the pretrial account established under
616 section 54-56k. No person shall be permitted more than two program
617 reinstatements pursuant to this subsection.

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

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

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

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

642 the case, or (2) has twice previously participated in such supervised
643 diversionary program.

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

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

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

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

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

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

658 (5) "Danger to himself or others" includes danger to the property of
659 others;

660 (6) ["Hospital for mental illness"] "Hospital for psychiatric
661 disabilities" means any public or private hospital, retreat, institution,
662 house or place in which a person with psychiatric disabilities or drug-
663 dependent person is received or detained as a patient, but does not
664 include any correctional institution of the state;

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

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

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

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

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

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

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

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

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

699 Sec. 15. Section 53a-167c of the general statutes is repealed and the

700 following is substituted in lieu thereof (*Effective October 1, 2015*):

701 (a) A person is guilty of assault of public safety, emergency medical,
702 public transit or health care personnel when, with intent to prevent a
703 reasonably identifiable peace officer, special policeman appointed
704 under section 29-18b, motor vehicle inspector designated under section
705 14-8 and certified pursuant to section 7-294d, firefighter or employee of
706 an emergency medical service organization, as defined in section 53a-3,
707 emergency room physician or nurse, health care employee as defined
708 in section 19a-490q, employee of the Department of Correction,
709 member or employee of the Board of Pardons and Paroles, probation
710 officer, employee of the Judicial Branch assigned to provide pretrial
711 secure detention and programming services to juveniles accused of the
712 commission of a delinquent act, liquor control agent, state or
713 municipal animal control officer, security officer, employee of the
714 Department of Children and Families assigned to provide direct
715 services to children and youths in the care or custody of the
716 department, employee of a municipal police department assigned to
717 provide security at the police department's lockup and holding facility,
718 active individual member of a volunteer canine search and rescue
719 team, as defined in section 5-249, or public transit employee from
720 performing his or her duties, and while such peace officer, special
721 policeman, motor vehicle inspector, firefighter, employee, physician,
722 nurse, health care employee, member, liquor control agent, animal
723 control officer, security officer, probation officer or active individual
724 member is acting in the performance of his or her duties, (1) such
725 person causes physical injury to such peace officer, special policeman,
726 motor vehicle inspector, firefighter, employee, physician, nurse,
727 member, liquor control agent, animal control officer, security officer,
728 probation officer or active individual member, or (2) such person
729 throws or hurls, or causes to be thrown or hurled, any rock, bottle, can
730 or other article, object or missile of any kind capable of causing
731 physical harm, damage or injury, at such peace officer, special
732 policeman, motor vehicle inspector, firefighter, employee, physician,
733 nurse, member, liquor control agent, animal control officer, security

734 officer, probation officer or active individual member, or (3) such
735 person uses or causes to be used any mace, tear gas or any like or
736 similar deleterious agent against such peace officer, special policeman,
737 motor vehicle inspector, firefighter, employee, physician, nurse,
738 member, liquor control agent, animal control officer, security officer,
739 probation officer or active individual member, or (4) such person
740 throws or hurls, or causes to be thrown or hurled, any paint, dye or
741 other like or similar staining, discoloring or coloring agent or any type
742 of offensive or noxious liquid, agent or substance at such peace officer,
743 special policeman, motor vehicle inspector, firefighter, employee,
744 physician, nurse, member, liquor control agent, animal control officer,
745 security officer, probation officer or active individual member, or (5)
746 such person throws or hurls, or causes to be thrown or hurled, any
747 bodily fluid including, but not limited to, urine, feces, blood or saliva
748 at such peace officer, special policeman, motor vehicle inspector,
749 firefighter, employee, physician, nurse, member, liquor control agent,
750 animal control officer, security officer, probation officer or active
751 individual member. For the purposes of this section, "public transit
752 employee" means a person employed by the state, a political
753 subdivision of the state, a transit district formed under chapter 103a or
754 a person with whom the Commissioner of Transportation has
755 contracted in accordance with section 13b-34 to provide transportation
756 services who operates a vehicle or vessel providing public [rail
757 service,] ferry service or fixed route bus service or performs duties
758 directly related to the operation of such vehicle or vessel, or who, as
759 part of the provision of public rail service, is a train operator,
760 conductor, inspector, signal person or station agent and "security
761 officer" has the same meaning as provided in section 29-152u.

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

768 of the assault.

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

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

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

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

796 (2) Sexual assault in the first degree is a class A felony if the offense
797 is a violation of subdivision (1) of subsection (a) of this section and the
798 victim of the offense is under sixteen years of age or the offense is a
799 violation of subdivision (2) of subsection (a) of this section. Any person

800 found guilty under said subdivision (1) or (2) shall be sentenced to a
801 term of imprisonment of which ten years of the sentence imposed may
802 not be suspended or reduced by the court if the victim is under ten
803 years of age or of which five years of the sentence imposed may not be
804 suspended or reduced by the court if the victim is under sixteen years
805 of age.

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

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

818 (a) A person is guilty of aggravated sexual assault in the first degree
819 when such person commits sexual assault in the first degree as
820 provided in section 53a-70, as amended by this act, and in the
821 commission of such offense (1) such person uses or is armed with and
822 threatens the use of or displays or represents by such person's words
823 or conduct that such person possesses a deadly weapon, (2) with intent
824 to disfigure the victim seriously and permanently, or to destroy,
825 amputate or disable permanently a member or organ of the victim's
826 body, such person causes such injury to such victim, (3) under
827 circumstances evincing an extreme indifference to human life such
828 person recklessly engages in conduct which creates a risk of death to
829 the victim, and thereby causes serious physical injury to such victim,
830 or (4) such person is aided by two or more other persons actually
831 present. No person shall be convicted of sexual assault in the first
832 degree and aggravated sexual assault in the first degree upon the same

833 transaction but such person may be charged and prosecuted for both
834 such offenses upon the same information.

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

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

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

861 (9) "Peace officer" means a member of the Division of State Police
862 within the Department of Emergency Services and Public Protection or
863 an organized local police department, a chief inspector or inspector in
864 the Division of Criminal Justice, a state marshal while exercising

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

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

889 (b) The council shall consist of the following members:

890 (1) One appointed by the speaker of the House of Representatives,
891 who shall be a representative of the Connecticut Coalition Against
892 Domestic Violence, Inc.;

893 (2) One appointed by the president pro tempore of the Senate, who
894 shall be a representative of a community-based organization that
895 provides group counseling or treatment to persons who have
896 committed acts of domestic violence;

897 (3) One appointed by the majority leader of the House of
898 Representatives, who shall be a community-based practicing
899 psychologist or a licensed clinical social worker who provides
900 individual counseling or treatment services to persons who have
901 committed acts of domestic violence;

902 (4) One appointed by the majority leader of the Senate, who shall be
903 a representative of the Connecticut Police Chiefs Association;

904 (5) One appointed by the minority leader of the House of
905 Representatives, who shall be a representative of a community-based
906 organization that provides services to adults with mental health or
907 substance use disorders;

908 (6) One appointed by the minority leader of the Senate, who shall be
909 a representative of a community-based organization that provides
910 direct services to persons impacted by domestic violence;

911 (7) Two appointed by the Chief Court Administrator, one of whom
912 shall be a representative of the Court Support Services Division and
913 one of whom shall be a representative of the Office of Victim Services;

914 (8) The chairperson of the Board of Pardons and Parole, or the
915 chairperson's designee;

916 (9) The Chief State's Attorney, or the Chief State's Attorney's
917 designee;

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

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

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

924 (c) All appointments to the council shall be made not later than

925 thirty days after the effective date of this section. Any vacancy shall be
926 filled by the appointing authority.

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

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

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

944 Sec. 20. (NEW) (*Effective from passage*) Not later than thirty days after
945 the effective date of this section, the Criminal Justice Policy Advisory
946 Committee shall submit to the Chief Court Administrator the domestic
947 violence offender program standards that were presented to said
948 committee on September 25, 2014. The Chief Court Administrator shall
949 ensure that such program standards, and any updates or revisions
950 thereto provided to the Chief Court Administrator by the Domestic
951 Violence Offender Program Standards Advisory Council, are
952 accessible electronically on the Internet web site of the Judicial Branch.

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

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

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

975 (3) The Judicial Department may contract with service providers to
976 provide domestic violence offender treatment programs for offenders
977 referred by the court. Such treatment programs shall comply with the
978 domestic violence offender program standards promulgated under
979 section 19 of this act. The provisions of this subdivision shall not apply
980 to the pretrial family violence education program described in
981 subsection (h) of this section.

982 Sec. 22. (NEW) (*Effective January 1, 2016*) For any family violence
983 case initiated on or after July 1, 2016, that is not referred to the local
984 family violence intervention unit as provided in subsection (g) of
985 section 46b-38c of the general statutes, as amended by this act, the
986 prosecuting authority shall not enter a nolle prosequi as to any charge
987 of a family violence crime, as defined in section 46b-38a of the general
988 statutes, unless the prosecuting authority states in open court his or

989 her reasons for the nolle prosequi and, if the reasons include
990 consideration of the defendant's participation in a counseling or
991 treatment program, a representation that such counseling or treatment
992 program complies with the program standards promulgated under
993 section 19 of this act.

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

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

1010 Sec. 24. Section 54-86e of the general statutes is repealed and the
1011 following is substituted in lieu thereof (*Effective July 1, 2015*):

1012 The name and address of the victim of a sexual assault under
1013 section 53a-70, 53a-70a, 53a-71, 53a-72a, 53a-72b or 53a-73a, or injury or
1014 risk of injury, or impairing of morals under section 53-21, or of an
1015 attempt thereof, or family violence, as defined in section 46b-38a and
1016 such other identifying information pertaining to such victim as
1017 determined by the court, shall be confidential and shall be disclosed
1018 only upon order of the Superior Court, except that (1) such information
1019 shall be available to the accused in the same manner and time as such
1020 information is available to persons accused of other criminal offenses,

1021 and (2) if a protective order is issued in a prosecution under any of
1022 said sections, the name and address of the victim, in addition to the
1023 information contained in and concerning the issuance of such order,
1024 shall be entered in the registry of protective orders pursuant to section
1025 51-5c.

1026 Sec. 25. Section 47-239a of the general statutes is repealed and the
1027 following is substituted in lieu thereof (*Effective from passage*):

1028 In the case of a master association: (1) That is comprised of common
1029 interest communities consisting of not less than four hundred units but
1030 not more than six hundred units, (2) in which the master association is
1031 governed by a board of directors consisting of one individual
1032 representing each constituent common interest community, who is on
1033 the board of directors of the constituent common interest community,
1034 and (3) in which the master association board of directors has a
1035 weighted vote based on the number of units in the constituent
1036 common interest community represented by the director:

1037 (A) On the written consent of unit owners owning not less than
1038 twenty-five per cent of the units in the constituent common interest
1039 communities of such master association, the master association shall be
1040 terminated and dissolved and shall convey all assets owned by the
1041 master association to a new nonstock corporation that shall be formed
1042 not later than sixty days after the termination and dissolution of the
1043 master association.

1044 (B) The associations of unit owners of the constituent common
1045 interest communities shall be the members of the new nonstock
1046 corporation. Each of the member associations shall appoint one person
1047 to be a member of the board of directors of the new nonstock
1048 corporation. Each member of the board of directors of the new
1049 nonstock corporation shall have one equal vote on matters to be voted
1050 on by the board of directors.

1051 (C) The unit owners of each constituent common interest
1052 community shall have equal rights to utilize the facilities owned by the

1053 new nonstock corporation and each constituent common interest
1054 community shall share in the cost of the operation, maintenance, repair
1055 and replacement of the facilities of the new nonstock corporation on
1056 the basis of the number of units in each constituent common interest
1057 community as a percentage of the total number of units in all
1058 constituent common interest communities that comprise the master
1059 association.

1060 (D) The Superior Court shall have jurisdiction to enter such orders
1061 as may be appropriate in the circumstances to implement the
1062 termination and transfer and the organization and operation of the
1063 new nonstock corporation.

1064 Sec. 26. Subdivision (3) of subsection (b) of section 47-250 of the
1065 general statutes is repealed and the following is substituted in lieu
1066 thereof (*Effective October 1, 2015*):

1067 (3) Notwithstanding any actions taken by [unanimous consent] not
1068 less than two-thirds consent of the entire executive board pursuant to
1069 subdivision (8) or (9) of this subsection, during and after the period of
1070 declarant control, the executive board shall meet at least two times a
1071 year at the common interest community or at a place convenient to the
1072 community. Those meetings, and after termination of the period of
1073 declarant control, all executive board meetings, shall be at the common
1074 interest community or at a place convenient to the community unless
1075 the bylaws are amended to vary the location of those meetings.

1076 Sec. 27. Subdivision (9) of subsection (b) of section 47-250 of the
1077 general statutes is repealed and the following is substituted in lieu
1078 thereof (*Effective October 1, 2015*):

1079 (9) Instead of meeting, the executive board may act by [unanimous
1080 consent] not less than two-thirds consent of all executive board
1081 members as documented in a record authenticated by [all] its
1082 members, noting the consent or nonconsent of each executive board
1083 member. The secretary promptly shall give notice to all unit owners of
1084 any action taken by [unanimous consent] not less than two-thirds

1085 consent of all executive board members.

1086 Sec. 28. Subsection (f) of section 14-224 of the general statutes is
1087 repealed and the following is substituted in lieu thereof (*Effective*
1088 *October 1, 2015*):

1089 (f) Any person who violates the provisions of subsection (a) or
1090 subdivision (1) of subsection (b) of this section shall be fined not more
1091 than [ten] twenty thousand dollars or be imprisoned not less than [one
1092 year] two years nor more than [ten] twenty years or be both fined and
1093 imprisoned.

1094 Sec. 29. Subsection (f) of section 52-148e of the general statutes is
1095 repealed and the following is substituted in lieu thereof (*Effective*
1096 *October 1, 2015*):

1097 (f) (1) Deposition of witnesses living in this state may be taken in
1098 like manner to be used as evidence in a civil action or probate
1099 proceeding pending in any court of the United States or of any other
1100 state of the United States or of any foreign country, on application to
1101 the court in which such civil action or probate proceeding is pending
1102 of any party to such civil action or probate proceeding. The Superior
1103 Court shall have jurisdiction to quash or modify, or to enforce
1104 compliance with, a subpoena issued for the taking of a deposition
1105 pursuant to this subsection.

1106 (2) Any person to whom a subpoena has been directed in a civil
1107 action or probate proceeding, other than a party to such civil action or
1108 probate court proceeding, pending in any court of any other state of
1109 the United States or of any foreign country, which subpoena
1110 commands (A) the person's appearance at a deposition, or (B) the
1111 production, copying or inspection of books, papers, documents or
1112 tangible things may, within fifteen days after the service thereof or on
1113 or before the time specified in the subpoena for compliance if such
1114 time is less than fifteen days after service, serve upon the party who
1115 requested issuance of the subpoena written objection to appearing or
1116 producing, copying or permitting the inspection of such books, papers,

1117 documents or tangible things on the ground that the subpoena will
1118 cause such person undue or unreasonable burden or expense. Service
1119 of the objection shall be made by United States mail, certified or
1120 registered, postage prepaid, return receipt requested, without the use
1121 of a state marshal or other officer. Such written objection shall be
1122 accompanied by an affidavit of costs setting forth the estimated or
1123 actual costs of compliance with such subpoena, including, but not
1124 limited to, the person's attorney's fees or the costs to such person of
1125 electronic discovery. If a person makes such written objection, the
1126 party who requested issuance of the subpoena (i) shall not be entitled
1127 to compel such person's appearance or receive, copy or inspect the
1128 books, papers, documents or tangible things, except pursuant to an
1129 order of the Superior Court, and (ii) may, upon notice to such person,
1130 file a motion with the Superior Court for an order to compel such
1131 person's appearance or production, copying or inspection of such
1132 materials in accordance with the terms of such subpoena. When ruling
1133 on such motion to compel, the Superior Court shall make a finding as
1134 to whether the subpoena subjects the person to undue or unreasonable
1135 burden or expense prior to entering any order to compel such person's
1136 appearance or the production, copying or inspection of such materials.
1137 If the Superior Court finds that the subpoena issued to the person
1138 subjects such person to undue or unreasonable burden or expense, any
1139 order to compel such person's appearance or production, copying or
1140 inspection of such materials shall protect the person from undue or
1141 unreasonable burden or expense resulting from compliance with such
1142 subpoena and, except in the case of a subpoena commanding the
1143 production, copying or inspection of medical records, may include, but
1144 not be limited to, the reimbursement of such person's reasonable costs
1145 of compliance, as set forth in the affidavit of costs.

1146 (3) The provisions of subdivision (2) of this subsection shall not
1147 apply to a civil action filed to recover damages resulting from personal
1148 injury or wrongful death in which it is alleged that such injury or
1149 death resulted from the professional malpractice of a health care
1150 provider or health care institution.

1151 Sec. 30. Section 47-27 of the general statutes is repealed and the
1152 following is substituted in lieu thereof (*Effective October 1, 2015*):

1153 (a) No length of possession, use or occupancy of land belonging to a
1154 railroad or street railway corporation and used for its corporate
1155 purposes shall create or continue any right in or to such land. No
1156 length of possession, use or occupancy by a railroad or street railway
1157 corporation of land belonging to another shall create or continue any
1158 right in or to such land.

1159 (b) No length of possession, use or occupancy of land belonging to a
1160 nonprofit land-holding organization or of land subject to a
1161 conservation restriction, as defined in section 47-42a, held by a
1162 nonprofit land-holding organization shall create or continue any right
1163 in or to such land. As used in this subsection, "nonprofit land-holding
1164 organization" means a nonprofit corporation incorporated pursuant to
1165 chapter 602 or any predecessor statute thereto, having as one of its
1166 principal purposes the conservation and preservation of land.

1167 (c) No length of possession, use or occupancy of land classified as
1168 class I or class II land under section 25-37c and belonging to an
1169 investor-owned water company shall create or continue any right in or
1170 to such land. The provisions of this subsection shall not affect any right
1171 in or to such land acquired by length of possession, use or occupancy
1172 pursuant to law prior to October 1, 2002. As used in this subsection,
1173 "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

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

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 16 \$	FY 17 \$
Correction, Dept.; Judicial Dept. (Probation)	GF - See Below	See Below	See Below
Mental Health & Addiction Serv., Dept.	GF - Cost/Savings	See Below	See Below
Resources of the General Fund	GF - Potential Revenue Gain	See Below	See Below

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill increases the penalty for a 2nd degree assault when it results in serious physical injury, making it a class C felony instead of a class D felony. In FY 14 there were 1,377 charges of 2nd degree assault, 664 resulted in convictions or plea bargains. It is unclear how many of those resulted in serious physical injury. To the extent that offenders are prosecuted for new or expanded offenses under this bill, potential costs for probation and supervision in the community or incarceration would result. On average, it costs the agency \$6,050 (including benefits) to supervise an inmate in the community as opposed to \$50,690 (including benefits) to incarcerate an offender.

The bill also makes various changes to the way in which offenders of sexual assault statutes can be sentenced. In general, the bill requires that offenders of certain sexual assault statutes serve longer terms of supervision, but allows for portions of that supervision to either be probation or parole as opposed to incarceration. To the extent that future offenders are sentenced differently under this bill, potential costs for incarceration or probation supervision in the community

would result. On average, it costs the agency \$6,050 (including benefits) to supervise an inmate in the community as opposed to \$50,690 (including benefits) to incarcerate an offender. The amendment changes the structure of sentencing for approximately 4% of the prison population, or 475 inmates.

The bill makes various changes to the pre-trial drug and alcohol education programs under the Department of Mental Health and Addiction Services (DMHAS). Limiting eligibility to such programs could result in a revenue loss associated with decreased program and evaluation fees, as well as a savings associated with decreased program expenditures. The impact is dependent upon the change in the number of participants. The Pre-Trial account, which supports this program, has experienced revenues of \$2.1 million and expenditures of \$2.9 million in FY 15 to date. With the addition of FY 14 carryforward funding, the account is estimated to end the current fiscal year with a balance of \$135,000.

The bill increases the penalty and fines for certain motor vehicle related crimes and results in a potential revenue gain as well as a potential cost.

House "A" strikes the underlying bill and replaces it with language that results in the impact described above.

The Out Years

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

OLR Bill Analysis**sSB 1105 (as amended by House "A")******AN ACT CONCERNING REVISIONS TO THE CRIMINAL JUSTICE STATUTES.*****SUMMARY:**

This bill makes a number of changes in criminal laws. Among other things, it:

1. requires a person's probation term to begin after he or she serves any prison sentence;
2. creates a task force to study ways to reduce extradition costs and the feasibility of vacating bond forfeiture orders under certain circumstances;
3. expands the crime of felony murder;
4. makes it a form of 2nd degree assault to intentionally cause physical injury to someone by striking or kicking the other person in the head while the person is in a lying position, thus increasing the penalty for this conduct from a class A misdemeanor to a class D felony;
5. increases the penalty for 2nd degree assault from a class D felony to a class C felony when serious physical injury results;
6. specifies that the 10-year registration period required for certain sex offenders begins when the offender is released into the community;
7. expands the infraction of simple trespass;

8. expands the crimes of tampering with evidence to cover activities while a criminal investigation, in addition to an official proceeding, is pending or anticipated;
9. excludes from participation in accelerated rehabilitation (AR) health care providers or vendors participating in the state's Medicaid program who are charged with (a) 1st degree larceny or (b) 2nd degree larceny involving defrauding a public community of \$2,000 or less;
10. excludes from participation in the pretrial alcohol education program people charged with 2nd degree manslaughter with a vessel or 1st degree reckless vessel operation while under the influence and makes other changes to eligibility based on prior convictions and program usage;
11. requires the drug education program portion of the pretrial drug education and community service program be a 15-session, rather than a 15-week, program (§ 12);
12. allows people who would otherwise participate in the family violence education program to participate in the supervised diversionary program when the court finds it is appropriate;
13. no longer requires the Psychiatric Security Review Board (PSRB), when conditionally releasing someone under its jurisdiction, to require that the person have outpatient treatment (although treatment is still required);
14. makes assaulting a state or municipal animal control officer or a licensed and registered security officer a class C felony;
15. makes changes affecting sentencing for 1st degree sexual assault and 1st degree aggravated sexual assault, such as expanding when the court can order probation for these crimes and increasing the mandatory minimum for the latter crime in some circumstances;

16. expands the definition of a “peace officer” to include U.S. marshals and deputy marshals;
17. creates a 16-member Domestic Violence Offender Program Standards Advisory Council to promulgate, review, update, and amend the domestic violence offender program standards;
18. changes the scope of the Superior Courts’ local family violence intervention units’ role in the provision of victim and offender treatment services;
19. extends to family violence victims the right to keep certain information confidential, as existing law allows for sexual assault victims and victims of injury or risk of injury to, or impairing the morals of, children;
20. increases the penalty for drivers who fail to stop after being involved in accidents causing serious physical injury or death; and
21. prevents land subject to a conservation restriction held by a nonprofit land-holding organization from being acquired by adverse possession.

The bill makes three additional changes, not related to criminal laws. It:

1. narrows the applicability of a law allowing for certain master associations under the Common Interest Ownership Act (CIOA) to terminate and transfer their assets to a new nonstock corporation,
2. expands when CIOA executive boards can act without a meeting, and
3. establishes procedures for someone who receives a subpoena related to a civil or probate action in another state or a foreign country and who is not a party to that proceeding to object to

the subpoena as an undue or unreasonable burden or expense and the court to rule on a request to enforce the subpoena.

Finally, it also makes technical changes.

*House Amendment "A" eliminates provisions expanding the crimes of tampering with or intimidating a witness and vacating bond forfeiture orders under certain circumstances and adds the provisions on (1) the extradition task force, (2) intentionally causing physical injury to someone by striking or kicking someone in the head, (3) diversionary programs, (4) PSRB conditional release, (5) assaulting animal control officers and security guards, (6) sexual assault sentencing (7) U.S. marshals, (8) the domestic violence council, (9) family violence intervention units, (10) family violence victim confidentiality, (11) common interest communities, (12) drivers failing to stop at accident scenes, (13) subpoenas from out-of-state actions, and (14) adverse possession

EFFECTIVE DATE: October 1, 2015 except the provisions on (1) the extradition cost task force, PRSB, U.S. marshals, domestic violence council, and termination of master associations are effective upon passage; (2) family violence victim confidentiality are effective July 1, 2015; and (3) family violence intervention units are effective January 1, 2016.

§ 1 — SERVING PROBATION TERMS

When a person is sentenced to a period of probation or conditional discharge to be served after a prison sentence, the law requires the probation or conditional discharge period to begin when the person is released from prison. Under case law, the court can delay the start of a probation or conditional discharge term only when a person is in prison under a sentence for the same crime; it cannot delay the probation or conditional discharge period if the person is in prison due to a sentence on a different conviction (*State v. Moore*, 85 Conn.App. 7 (2004)).

The bill requires any probation or conditional discharge term to begin when the defendant is released from prison, regardless of when the prison sentence is imposed.

§ 2 — TASK FORCE ON EXTRADITION AND BONDS

The bill creates a task force to examine:

1. ways to reduce costs to extradite someone to the state for criminal proceedings and
2. the feasibility of a court vacating bond forfeiture orders when a professional bondsman, surety bail bond agent, or insurer pays the extradition costs.

It must report its recommendations to the Judiciary Committee by January 15, 2016, and it terminates on the later of that date or when it submits its report.

Members and Staff

The task force consists of the following nine members:

1. a Connecticut surety bail bond agent or professional bondsman appointed by the House speaker;
2. a representative of an insurer who does bail bond business, appointed by the Senate president pro tempore;
3. one member each appointed by the Senate majority and minority leaders and the House majority and minority leaders, who may be legislators;
4. the emergency services and public protection commissioner, or her designee;
5. a representative of the U.S. Marshals Service, appointed by the U.S. Marshal for the Connecticut district; and
6. the chief state's attorney.

The bill requires appointing authorities to (1) make their appointments within 30 days of the bill's passage and (2) fill any vacancies.

The bill makes the chief state's attorney the task force chairman and requires him to schedule the first meeting within 60 days of the bill's passage. The Judiciary Committee's administrative staff must serve as the task force's administrative staff.

§ 3 — FELONY MURDER

The bill expands the crime of felony murder to include when a person commits or attempts to commit home invasion and, during or in furtherance of the crime, or while fleeing the crime, the person or any other participant in the crime causes the death of someone not participating in the crime.

By law, felony murder includes causing a death as described above related to the crime of robbery, burglary, kidnapping, 1st or 3rd degree sexual assault, 1st degree aggravated sexual assault, 3rd degree sexual assault with a firearm, or 1st and 2nd degree escape.

By law, felony murder is punishable by 25 to 60 years in prison, a fine of up to \$20,000, or both.

§ 4 — 2ND DEGREE ASSAULT

Conduct

The bill increases the penalty for intentionally causing physical injury to someone, from a class A misdemeanor to a class D felony, when a person causes the injury by striking or kicking another person in the head while the person is in a lying position. It does so by making this conduct a 2nd degree assault. Currently, someone who intentionally causes physical injury in any manner commits the class A misdemeanor of 3rd degree assault (CGS § 53a-61). By law, a class A misdemeanor is punishable by up to one year in prison, a fine of up to \$2,000, or both. Class D felonies are punishable by up to five years in prison, a fine of up to \$5,000, or both.

By law, a person commits 2nd degree assault when he or she does any of the following to someone:

1. intentionally causes serious physical injury;
2. intentionally causes physical injury by using a deadly weapon or dangerous instrument other than a firearm;
3. recklessly causes serious physical injury by using a deadly weapon or dangerous instrument;
4. for a purpose other than lawful medical or therapeutic treatment, intentionally causes stupor, unconsciousness, or other physical impairment or injury by administering, without the victim's consent, a drug, substance, or preparation capable of producing the same;
5. while on parole, intentionally causes physical injury to a Board of Pardons and Paroles employee or member; or
6. without provocation, strikes a person in the head intentionally causing serious physical injury and rendering him or her unconscious.

Penalty

The bill increases the penalty, from a class D felony to a class C felony, when a 2nd degree assault results in serious physical injury. By law, class C felonies are punishable by up to 10 years in prison, a fine of up to \$10,000, or both. By law, a “serious physical injury” is one that creates a substantial risk of death or causes serious disfigurement, impairment of health, or loss or impairment of an organ’s function (CGS § 53a-3(4)).

§ 5-7 — SEX OFFENDER REGISTRATION PERIOD

The bill specifies that the 10-year registration period required for certain sex offenders begins when the offender is released into the community. By law, offenders convicted of 4th degree sexual assault,

voyeurism, or crimes designated as sexual offenses against a minor must register for 10 years. The court may require an offender convicted of a felony committed for a sexual purpose to register for 10 years.

By law, a person convicted of a violent crime or a subsequent conviction of 4th degree sexual assault, voyeurism, or a sexual offense against a minor must register for life.

§ 8 — TRESPASS

By law, a person commits simple trespass by entering any premises knowing he or she is not licensed or privileged to enter, without intent to harm the property. The bill expands this infraction to include when a person remains in or on the premises.

§ 9 — TAMPERING WITH OR FABRICATING EVIDENCE

The bill expands the scope of this crime to cover conduct that occurs when a person believes a law enforcement criminal investigation is pending or about to begin. Under current law, a person tampers with or fabricates evidence when he or she:

1. believes an official proceeding is pending or about to begin and
2. (a) alters, destroys, conceals, or removes a record, document, or thing in order to impair its verity or availability in a proceeding or (b) makes, presents, or uses a record, document, or thing knowing it is false in order to mislead a public servant who is or may be engaged in the official proceeding.

The bill expands this crime to cover these actions when a criminal investigation is pending or about to begin. In ruling on a related statute, the Connecticut Supreme Court ruled that the evidence tampering crime did not cover situations where a person believes that only an investigation but not an official proceeding is likely (*State v. Jordan*, 314 Conn. 354 (2014)).

By law, this crime is a class D felony.

§ 10 — ACCELERATED REHABILITATION (AR) AND 1ST AND 2ND DEGREE LARCENY

The law excludes people charged with class B felonies from participating in AR, with some exceptions. Currently, someone charged with the class B felony of 1st degree larceny can participate in AR only if he or she:

1. (a) committed larceny by depriving someone of property or services valued at over \$20,000 or of any value if obtained through by extortion and (b) did not use, attempt to use, or threaten to use force or
2. (a) committed larceny by depriving a public community of property valued at over \$2,000 by fraud; (b) did not use, attempt to use, or threaten to use force; and (c) is not a public official or state or municipal employee.

The bill additionally excludes someone charged with 1st degree larceny if he or she is a health care provider or vendor participating in the state's Medicaid program.

The law allows someone charged with a class C felony to participate in AR for good cause. The bill excludes from AR participation someone charged with the class C felony of 2nd degree larceny when it involves defrauding a public community of \$2,000 or less and the person is a health care provider or vendor participating in the state's Medicaid program.

By changing eligibility for AR, the bill also affects eligibility for the supervised diversionary program for people with psychiatric disabilities and certain veterans (see § 13).

§ 11 — PRETRIAL ALCOHOL EDUCATION PROGRAM

If a defendant meets the eligibility criteria for this program, the court has discretion to allow his or her participation and he or she is placed in an alcohol intervention or a state-licensed substance abuse treatment program after an evaluation. If the defendant satisfactorily

completes the program, the court dismisses the charges.

Eligibility

The bill excludes from eligibility for this program people charged with:

1. 2nd degree manslaughter with a vessel (operating a vessel while under the influence of alcohol or drugs and causing another's death) or
2. 1st degree reckless vessel operation while under the influence (operating a vessel while under the influence of alcohol or drugs or with an elevated blood alcohol content and causing serious physical injury or more than \$2,000 property damage).

By law, unchanged by the bill, a defendant is generally eligible for this program if he or she is charged with driving under the influence (DUI), violating rules for safe boating (including drunken boating), or 2nd degree reckless vessel operation while under the influence.

Currently, someone is ineligible for participating in this program if he or she is (1) charged with driving under the influence and used the program in the previous 10 years for a DUI violation or (2) charged with DUI while under age 21 and has used the program for either type of DUI crime. The bill instead makes someone ineligible if he or she (1) is charged with DUI, DUI while under age 21, drunken boating, or 2nd degree reckless vessel operation while under the influence and (2) has used the program for any one of these charges within the previous 10 years.

Currently, someone is also ineligible if he or she has a prior conviction of DUI, 2nd degree manslaughter with a motor vehicle (which involves DUI), 2nd degree assault with a motor vehicle (which involves DUI), or a similar crime in another state. The bill also makes ineligible someone previously convicted of DUI while under age 21, 2nd degree manslaughter with a vessel (which involves operating under the influence), drunken boating, 1st degree reckless operation of

a vessel under the influence, or 2nd degree reckless vessel operation while under the influence, or a similar crime in another state.

The law also makes ineligible, except for good cause, someone charged with DUI or DUI while under age 21 if the conduct caused serious physical injury to another. The bill also makes ineligible, except for good cause, someone charged with drunken boating if it caused serious physical injury to another.

By law, a person is also ineligible if he or she is charged with DUI and was operating a commercial vehicle or holds a commercial driver's license or instruction permit.

Reporting Program Usage

Current law requires the Judicial Branch's Court Support Services Division (CSSD) to report to the Department of Energy and Environmental Protection when someone charged with one of the boating crimes successfully completes the program. The bill restricts when CSSD must report on people charged with violating rules for safe boating to instances when the safe boating violation involved drunken boating.

§ 13 — PRETRIAL SUPERVISED DIVERSIONARY PROGRAM

By law, this criminal diversion program is for people with psychiatric disabilities or certain veterans with mental conditions amenable to treatment.

Currently, someone is ineligible for this program if he or she has used this program twice before or is charged with a crime that makes him or her ineligible for AR. Currently, someone is ineligible for AR, and thus this program, if he or she could participate in the pretrial family violence education program. The bill allows such a person to participate in the supervised diversionary program if it is the more appropriate program for the person under the circumstances.

§ 14 — CONDITIONAL RELEASE BY THE PSRB

By law, unless discharged, the court commits someone who is found

not guilty of a crime because of mental disease or defect to the PSRB for a term up to the maximum sentence authorized for the crime. The board has authority, based on findings about the person's mental condition, to conditionally release him or her under the board's jurisdiction.

Currently, the board can conditionally release someone for supervision and treatment on an outpatient basis. The bill specifies that release is from a hospital for psychiatric disabilities and no longer requires the treatment to be on an outpatient basis.

The bill refers to someone with a "psychiatric disability" rather than a "mental illness" and specifies that a psychiatric disability does not include an abnormality manifested only by repeated criminal or other antisocial conduct.

The bill also makes technical changes.

§ 15 — ASSAULT OF A STATE OR MUNICIPAL ANIMAL CONTROL OFFICER, SECURITY OFFICER, OR RAIL PERSONNEL

Animal Control and Security Officers

The bill makes assault of a state or municipal animal control officer or a licensed and registered security officer a class C felony, the same penalty as for assault of public safety, emergency medical, and public transit personnel and liquor control agents, among others. A person commits this crime by assaulting a reasonably identifiable state or municipal animal control or a security officer performing his or her duties, with intent to prevent them from performing their duties, by doing any of the following to the officer:

1. causing injury;
2. throwing objects capable of causing harm;
3. using tear gas, mace, or a similar harmful agent;
4. throwing paint, dye, or any other offensive substance; or

5. throwing bodily fluid, such as feces, blood, or saliva.

Current law does not have a specific crime for assaulting these animal control or security officers. Generally, assaults are punishable, depending on the conduct, by penalties ranging from a class A misdemeanor to a class A felony.

Rail Personnel

By law, assaulting a public transit employee under the circumstances described above is also a class C felony as described above. Currently, public transit employees include those operating a vehicle providing rail service or performing duties directly related to operating it. The bill instead includes train operators, conductors, inspectors, signal people, and station agents involved in public rail service as public transit employees.

§§ 16 & 17 — SEXUAL ASSAULT

The bill makes changes affecting sentencing for 1st degree sexual assault and 1st degree aggravated sexual assault.

It expands when courts can order probation for these crimes by allowing them to do so even when the crimes are class A felonies. This allows courts to impose what is often referred to as a “split sentence” (i.e., a term of imprisonment, part of which is suspended, followed by probation). The bill does not reduce any mandatory minimums.

By law, there is a mandatory minimum prison term of two, five, or 10 years for 1st degree sexual assault, depending on the particular violation. Currently, the sentence must also include a term of imprisonment and special parole that totals at least 10 years. As an alternative, the bill allows a 10-year or longer term of imprisonment, any non-mandatory portion of which may be suspended.

For aggravated sexual assault, the bill (1) raises the mandatory minimum in certain circumstances involving victims who are minors and (2) eliminates the current requirement of five years or more of special parole.

By law, the mandatory minimums for these crimes may be higher if the person falls under the persistent offender statutes (CGS § 53a-40).

Below we describe these changes in more detail.

Probation for 1st Degree and 1st Degree Aggravated Sexual Assault

First degree sexual assault and 1st degree aggravated sexual assault are generally class B felonies; they are class A felonies in some circumstances involving victims who are minors.

Current law prohibits courts from ordering probation for class A felonies. The bill creates an exception by allowing probation for 1st degree or 1st degree aggravated sexual assault even when they are class A felonies.

Under existing law, probation for these crimes when class B felonies must generally be for at least 10 years and no more than 35 years. This applies as well under the bill when these crimes are class A felonies (CGS § 53a-29(f)).

First-Degree Aggravated Sexual Assault

By law, a person is guilty of this crime when the person commits 1st degree sexual assault and one of four aggravating factors are involved (e.g., the use or threat of a deadly weapon or intentionally causing certain serious injuries).

The bill generally raises the mandatory minimum prison term, from five to 10 years, when this crime is a class A felony (i.e., when the victim is under age 16). Unchanged by the bill, the mandatory minimum is 20 years if the crime involves forcible rape of a victim under age 16.

In all cases of 1st degree aggravated sexual assault, current law requires at least five years of special parole in addition to the mandatory minimum prison term. The bill instead allows the court to (1) suspend any non-mandatory portion of the sentence and impose

probation or (2) impose imprisonment and at least one year of special parole.

§ 18 — U.S. MARSHALS AS PEACE OFFICERS

The bill expands the definition of a “peace officer” to include U.S. marshals and deputy marshals. Among other things, this gives them certain arrest powers under state law; access to certain information; and legal protections when using force to apprehend someone, prevent an escape, or protect themselves or others (see BACKGROUND).

§§ 19 & 20 — DOMESTIC VIOLENCE OFFENDER PROGRAM STANDARDS

The bill creates a Domestic Violence Offender Program Standards Advisory Council to promulgate, review and, as needed, update and amend the domestic violence offender program standards presented to the Criminal Justice Policy Advisory Committee (CJPAC) on September 25, 2014.

Council Members, Appointment, and Reporting

The 16-member council includes:

1. one representative of the Connecticut Coalition Against Domestic Violence, Inc., appointed by the House speaker;
2. one representative of a community-based organization that provides group counseling or treatment to people who committed acts of domestic violence, appointed by the Senate president pro tempore;
3. a community-based practicing psychologist or a licensed clinical social worker who provides individual counseling or treatment services to people who committed acts of domestic violence, appointed by the House majority leader;
4. one representative of the Connecticut Police Chiefs Association, appointed by the Senate majority leader;

5. one representative of a community-based organization that provides services to adults with mental health or substance use disorders, appointed by the House minority leader;
6. one representative of a community-based organization the provides direct services to people impacted by domestic violence, appointed by the Senate minority leader;
7. one representative each of the Judicial Branch's Court Support Services Division (CSSD) and the Office of Victim Services, both appointed by the chief court administrator;
8. the Board of Pardons and Paroles' chairperson or his designee;
9. the chief state's attorney or his designee;
10. the chief public defender or her designee;
11. the children and families, correction, mental health and addiction services, and public health commissioners, or their designees; and
12. the victim advocate or her designee.

All appointments must be made within 30 days after the bill passes and any vacancies must be filled by the appointing authority. The representatives of the Connecticut Coalition Against Domestic Violence, Inc. and CSSD must chair the council. The chairpersons must schedule and hold the council's first meeting within 60 days after the bill passes. Subsequent meetings must be held when called by the chairpersons or a majority of council members. The Judiciary Committee's administrative staff must serve as the council's administrative staff.

The council, starting by February 1, 2016, must annually report its activities to the Judiciary Committee, including any updates or amendments to the domestic violence offender program standards adopted in the previous calendar year.

Accessibility of Program Standards

The bill requires CJPAC, by 30 days after the bill passes, to submit to the chief court administrator the program standards presented to CJPAC on September 25, 2014. He must ensure that such program standards and any updates or revisions adopted by the council are accessible electronically on the Judicial Branch's website.

§§ 21 & 22 — FAMILY VIOLENCE INTERVENTION UNITS

By law, under CSSD's oversight, the local family violence intervention units within the Superior Courts accept referrals of family violence cases from judges or prosecutors. The bill changes the scope of the intervention unit's role in the provision of victim and offender services.

Victim Service Needs

Under current law, the intervention units must (1) identify victim service needs and (2) contract with victim service providers to provide appropriate care to victims, including trauma-informed care. The bill instead allows the Judicial Branch to contract with such providers.

Offender Treatment Programs

Under current law, the intervention units must identify appropriate offender services and, where possible, by contract, provide treatment programs for offenders. The bill instead (1) requires the intervention units to assess offenders to identify appropriate services and (2) allows the Judicial Branch to contract with providers of domestic violence offender treatment programs which must comply with the domestic violence offender program standards. The bill specifies that this provision does not apply to the pretrial family violence education program (see BACKGROUND).

The bill requires the intervention units to monitor compliance of offenders participating in the pretrial family violence education program requirements.

Prosecutor's Nolle Prosequi

By law, a nolle prosequi is an official action by the prosecutor declining to prosecute a charge. Under the bill, if a family violence case initiated on or after July 1, 2016 is not referred to the local family violence intervention unit, the prosecutor may not nolle an action involving a family violence crime (see BACKGROUND) unless he or she states in court:

1. the reasons for doing so and
2. if such reasons include consideration of the defendant's participation in a counseling or treatment program, that such program complies with the domestic violence offender program standards.

§§ 23 & 24 — FAMILY VIOLENCE VICTIM CONFIDENTIALITY

The bill extends to family violence victims two protections existing law gives to certain sexual assault victims.

First, it gives family violence victims the right to withhold their addresses or telephone numbers during any trial or pretrial evidentiary hearing arising from such crime if the presiding judge finds the:

1. information is not material to the proceeding,
2. identity of the victim has been satisfactorily established, and
3. current address of the victim will be made available to the defense in the same manner and time as such information is made available to the defense for other criminal offenses.

Second, the bill requires the names, addresses, and other identifying information of family violence victims be kept confidential, but requires that this information be (1) available to the accused in the same manner and time as such information is available to people accused of other crimes and (2) entered in the protective orders registry, if such an order is issued.

§ 25 – TERMINATION OF MASTER ASSOCIATIONS

Legislation enacted in 2014 created a process to terminate certain master associations under the Common Interest Ownership Act (CIOA) and transfer their assets to new nonstock corporations, upon the consent of owners with at least 25% of the units (see BACKGROUND). A master association is an association comprised of other common interest community associations.

Currently, this provision applies to master associations with at least 400 units. The bill narrows its applicability, allowing this process for master associations with at least 400, but no more than 600, units.

§§ 26 & 27 — CIOA EXECUTIVE BOARD ACTIONS

Under current law, executive boards under CIOA may act by unanimous consent of board members, instead of meeting. The bill lowers this threshold to two-thirds consent and makes conforming changes to recordkeeping and notice requirements regarding these actions.

As under current law, the bill continues to require executive boards to meet at least twice a year.

§ 28 — FAILING TO STOP AFTER ACCIDENT INVOLVEMENT

The bill increases the penalty for drivers who fail to stop after being involved in certain accidents.

By law, drivers knowingly involved in accidents causing serious physical injury or death must stop, render assistance, and give their identifying information to an officer or witness. The bill increases the penalty for failing to do so by increasing the:

1. prison penalty of between one and 10 years to between two and 20 years and
2. maximum fine from \$10,000 to \$20,000.

§ 29 — SUBPOENAS FROM OUT-OF-STATE ACTIONS

Existing law allows taking the deposition of someone living in Connecticut for a civil or probate proceeding in a federal court or another state's or country's court. The Superior Court can quash, modify, or enforce a subpoena for the deposition.

This bill allows someone who receives a subpoena related to a civil or probate action in another state or a foreign country and is not a party to that proceeding to serve a written objection on the party who requested the subpoena that the subpoena causes him or her an undue or unreasonable burden or expense. It applies to a subpoena that either requires the person to appear at a deposition or produce, provide copies of, or allow inspection of books, papers, documents, and other things. The subject of the subpoena must serve the subpoena issuer with the objection and an affidavit of costs with the estimated or actual costs of complying with the subpoena, which can include attorneys' fees and electronic discovery costs.

The bill requires the subject of the subpoena to serve the objection and affidavit on the subpoena issuer within the earlier of 15 days after being served with the subpoena or the date specified for complying with the subpoena. The bill requires service by certified or registered U.S. mail, postage paid and return receipt requested and prohibits using a state marshal or other officer.

Under the bill:

1. the party who requested the subpoena must obtain an order from the Superior Court to compel compliance and can, after notice, file a motion in Superior Court to order compliance;
2. on such a motion, the Superior Court must determine whether the subpoena imposes an undue or unreasonable burden or expense; and
3. if the court finds such an undue or unreasonable expense or burden, any order must protect the person from it and, except for a subpoena related to medical records, the order can include

at least reimbursement or reasonable compliance costs according to the affidavit of costs.

The bill's provisions do not apply to personal injury or wrongful death actions alleging health care provider or institution professional malpractice.

§ 30 — ADVERSE POSSESSION

The bill prevents land subject to a conservation restriction held by a nonprofit land-holding organization from being acquired by adverse possession. The law already prevents land owned by a nonprofit land-holding organization from being acquired by adverse possession.

Connecticut law recognizes adverse possession as a way to acquire title to property. Adverse possession is accomplished by an open, visible, exclusive, and uninterrupted possession of land for 15 years (CGS § 52-575). The law also recognizes the right to acquire a right-of-way or other easement by continuous, uninterrupted use of someone else's land for 15 years (CGS § 47-37).

BACKGROUND

Accelerated Rehabilitation (AR)

Certain criminal defendants may avoid prosecution and incarceration by successfully completing court-sanctioned, community-based treatment programs (called diversionary programs) before trial. By law, someone is eligible for the AR program if he or she is charged with certain nonserious crimes or motor vehicle violations, has no prior convictions of a crime or certain motor vehicle violations, and has not used AR before. Veterans can use the program twice and those charged with a misdemeanor or motor vehicle violation punishable by no more than one year in prison can use the program again if it is at least 10 years from the person's last AR participation. A defendant who does not complete the program is brought to trial (CGS § 54-56e).

U.S. Marshals

These officers are considered the enforcement arm of the federal courts and are involved in a number of federal law enforcement initiatives. Their duties include protecting the federal judiciary, apprehending federal fugitives, managing and selling seized assets, housing and transporting federal prisoners, and operating the witness protection program.

Peace Officers

The law designates the following as peace officers: state and local police officers, Division of Criminal Justice inspectors, state marshals exercising statutory powers, judicial marshals performing their duties, conservation or special conservation officers, constables who perform criminal law enforcement duties, appointed special policemen, adult probation officers, DOC officials authorized to make arrests in a correctional institution, investigators in the State Treasurer's Office, federal narcotics agents, and members of a law enforcement unit created and governed under a state-tribal memorandum.

For purposes of their duties, peace officers have access to records not generally available to the public, such as certain criminal justice records (CGS § 29-16). They also have various powers regarding use of force and arrests.

Use of Physical Force. Peace officers are justified in using physical force, when and to the extent they reasonably believe it necessary, to (1) make an arrest or prevent a custodial escape, unless they know that the arrest or custody is unauthorized or (2) defend themselves or someone else from the use or imminent use of physical force while making or attempting to make an arrest or while preventing or attempting to prevent an escape (CGS § 53a-22(b)).

Use of Deadly Physical Force. Peace officers are justified in using deadly physical force when they reasonably believe it is necessary to (1) defend themselves or another person from the use or imminent use of deadly physical force and (2) arrest or prevent the escape from custody of someone they reasonably believe committed or attempted

to commit a felony involving the infliction or threatened infliction of serious physical injury, and if, where feasible, they warned of the intent to use deadly physical force (CGS § 53a-22(c)).

Duty to Retreat. The law exempts peace officers from the general duty to retreat rather than use reasonable deadly physical force (CGS § 53a-19(b)).

Resisting Arrest. The law prohibits the use of physical force to resist an arrest by a reasonably identifiable peace officer, whether the arrest is legal or illegal (CGS § 53a-23).

Arrest Powers. Peace officers, when in their town, can arrest, without a warrant, a person (1) apprehended while committing an offense or (2) on the speedy information of others. Outside of their town, they can arrest someone (1) for a felony, without a warrant, at any time or (2) when in immediate pursuit from their town if they could legally arrest the person under their authority (CGS § 54-1f).

Pretrial Family Violence Education Program

By law, the pretrial family violence education program informs people charged with family violence crimes of the basic elements of family violence law and applicable penalties. The court may, in its discretion, invoke such program at the request of the defendant under specified conditions, including that the defendant is not charged with certain felonies and has not previously (1) been convicted of certain family violence crimes, (2) been assigned to the family violence education program, and (3) invoked or accepted accelerated rehabilitation for certain family violence crimes (CGS § 46b-38c(h)).

Family Violence

By law, “family violence” is an incident resulting in physical harm, bodily injury or assault, or an act of threatened violence that constitutes fear of imminent physical harm, bodily injury or assault, including stalking or a pattern of threatening, between family or household members. Verbal abuse or argument does not constitute

family violence unless there is present danger and the likelihood that physical violence will occur (CGS § 46b-38a(1)).

Master Association Termination

Under PA 14-215, in addition to the limitation on the number of units noted above, the termination process applies to master associations:

1. governed by a board of directors with one individual representing each constituent common interest community, who is on the constituent community's board and
2. whose board has a weighted vote based on the number of units in each constituent community.

Under the act, the association is terminated and dissolved if at least 25% of unit owners consent in writing. After dissolution, the association must convey its assets to a new nonstock corporation that must be formed within 60 days. The association of each constituent community must appoint a member to the nonstock corporation's board, and each board member must have an equal vote in board matters.

Common Interest Ownership Act

CIOA governs the creation, alteration, management, termination, and sale of condominiums and other common interest communities formed in Connecticut on and after January 1, 1984 (CGS § 47-200 et seq.). Certain CIOA provisions (including the liability statute amended by this bill) also apply to common interest communities created in Connecticut before January 1, 1984 but do not invalidate existing provisions of the communities' governing instruments. Common interest communities created before that date can amend their governing instruments to conform to portions of CIOA that do not automatically apply (CGS §§ 47-214, 216, & 218).

COMMITTEE ACTION

Judiciary Committee

Joint Favorable

Yea 43 Nay 0 (04/06/2015)