



General Assembly

February Session, 2016

Raised Bill No. 5473

LCO No. 2055



Referred to Committee on JUDICIARY

Introduced by:
(JUD)

AN ACT CONCERNING THE INVESTIGATION OF FRAUD AND CORRUPTION.

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

1 Section 1. (NEW) (*Effective October 1, 2016*) For the purposes of
2 sections 1 to 5, inclusive, of this act:

3 (1) "Crime" means a violation of any provision of the general
4 statutes involving: (A) Corruption in the executive, legislative or
5 judicial branch of state government or in the government of any
6 political subdivision of the state, (B) fraud by a vendor of goods or
7 services in the medical assistance program under Title XIX of the Social
8 Security Act Amendments of 1965, as amended, (C) larceny in the first
9 degree, (D) the election laws of this state, or (E) bribery or bribe
10 receiving;

11 (2) "Property" includes, but is not limited to, documents, books,
12 papers, records, films, recordings and other tangible things;

13 (3) "Prosecuting official" means the Chief State's Attorney, a deputy

14 Chief State's Attorney or a state's attorney; and

15 (4) "Entity" means any natural person, firm, partnership, limited
16 partnership, limited liability partnership, limited liability company,
17 trust, syndicate, estate, association, corporation, custodian, nominee,
18 municipality, agency or political or administrative subdivision of the
19 state or other legal entity of any kind.

20 Sec. 2. (NEW) (*Effective October 1, 2016*) (a) In the investigation of
21 conduct that would constitute the commission of a crime, a
22 prosecuting official, in the performance of such official's duties during
23 such investigation, shall have the authority to compel by subpoena the
24 production of property related to the matter under investigation.

25 (b) Any subpoena issued pursuant to this section shall (1) compel
26 only the production of property relevant to the investigation being
27 conducted, (2) specify with reasonable particularity the property to be
28 produced, (3) allow a reasonable period of time for compliance, and (4)
29 require only the production of documents or records covering a
30 reasonable period of time.

31 (c) Any subpoena issued pursuant to this section shall compel an
32 entity to produce the property related to the matter under
33 investigation at the office of the prosecuting official.

34 Sec. 3. (NEW) (*Effective October 1, 2016*) (a) In any investigation
35 conducted pursuant to sections 2 to 5, inclusive, of this act, a
36 prosecuting official may apply to a judge of the Superior Court for an
37 order granting immunity from prosecution to any natural person to
38 whom the state issues a subpoena. Such immunity may provide that
39 the person will not be prosecuted or subjected to any penalty or
40 forfeiture (1) for or on account of any property produced by such
41 person, or for or on account of any evidence discovered as a result of
42 or otherwise derived from property produced by such person, or (2)
43 for or on account of any transaction, matter or thing concerning which
44 such person produces property.

45 (b) No person who has been properly served with a subpoena
46 pursuant to section 2 of this act and receives immunity under
47 subsection (a) of this section, shall be excused from producing any
48 property before the prosecuting official concerning an investigation on
49 the ground or for the reason that the property required may tend to
50 incriminate such person or subject such person to a penalty or
51 forfeiture.

52 Sec. 4. (NEW) (*Effective October 1, 2016*) If any subpoena is issued
53 pursuant to section 2 of this act for the production of the medical
54 records, including psychiatric and substance abuse treatment records,
55 of a natural person, the prosecuting official shall give written notice of
56 the issuance of such subpoena to such person. Such person shall have
57 standing to file a motion to quash the subpoena in accordance with
58 section 5 of this act.

59 Sec. 5. (NEW) (*Effective October 1, 2016*) (a) Whenever a subpoena
60 has been issued to compel the production of property pursuant to
61 section 2 of this act, the entity summoned may file a motion to quash
62 the subpoena. No fees or costs shall be assessed.

63 (b) The party filing the motion to quash shall be designated as the
64 plaintiff, and shall be described as "John Doe", "Jane Doe" or some
65 other alias, and the prosecuting official shall be designated as the
66 defendant.

67 (c) The motion, upon its filing, shall be sealed as to the public. The
68 motion shall be referred to the presiding criminal judge of the court for
69 hearing or for assignment to another judge for hearing. Unless
70 otherwise ordered by the judge conducting the hearing, the hearing
71 shall be conducted in camera and the file on the motion shall be sealed
72 as to the public, subject to further order of the court.

73 (d) The motion shall be expeditiously assigned and heard. The date
74 and time of the hearing shall be established by the clerk after
75 consultation with the judge assigned to conduct the hearing. The clerk

76 shall give notice to the parties of the hearing so scheduled.

77 (e) A judge may quash or modify any subpoena issued pursuant to
78 section 2 of this act for just cause or in recognition of any privilege
79 established under law.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2016</i>	New section
Sec. 2	<i>October 1, 2016</i>	New section
Sec. 3	<i>October 1, 2016</i>	New section
Sec. 4	<i>October 1, 2016</i>	New section
Sec. 5	<i>October 1, 2016</i>	New section

Statement of Purpose:

To give state prosecutors the tools to protect Connecticut residents from financial crime and to investigate fraud against government programs and funds.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]