



General Assembly

February Session, 2016

Raised Bill No. 243

LCO No. 1879

* SB00243JUD__031416__*

Referred to Committee on JUDICIARY

Introduced by:
(JUD)

**AN ACT CONCERNING THE REVISOR'S TECHNICAL CORRECTIONS
TO THE GENERAL STATUTES.**

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

1 Section 1. Subsection (c) of section 2-1e of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2016*):

4 (c) Notwithstanding the provisions of sections 29-35, as amended by
5 this act, and 53-206, (1) a person, other than a state or local police
6 officer, a member of the Office of State Capitol Police or a police officer
7 of any other state or of the federal government, who is carrying out
8 official duties in this state, or any person summoned by any such
9 officer to assist in making arrests or preserving the peace while he is
10 actually engaged in assisting such officer, while such officer is in the
11 performance of his official duties or any member of the armed forces of
12 the United States, as defined [by] in section 27-103, or of [this] the state,
13 as defined [by] in section 27-2, in the performance of official duties, or
14 any veteran, as defined [by] in section 27-103, performing in uniform
15 as a member of an official ceremonial unit, is guilty of interfering with
16 the legislative process when he, alone or in concert with others, brings

17 into, or possesses within, any building in which the chamber of either
18 house of the General Assembly is located or in which the official office
19 of any member, officer or employee of the General Assembly or the
20 office of any committee of the General Assembly or either house
21 thereof is located or any building in which a committee of the General
22 Assembly is holding a public hearing, any weapon, whether loaded or
23 unloaded, from which a shot may be discharged, or a billy; and (2) any
24 person is guilty of interfering with the legislative process when [he]
25 such person, alone or in concert with others, brings into, or possesses
26 within, any such building, a switchblade, gravity knife, blackjack,
27 bludgeon, metal knuckles or any other dangerous or deadly weapon or
28 instrument, or any explosive or incendiary or other dangerous device.

29 Sec. 2. Subparagraph (A) of subdivision (26) of subsection (a) of
30 section 12-407 of the 2016 supplement to the general statutes is
31 repealed and the following is substituted in lieu thereof (*Effective*
32 *October 1, 2016*):

33 (26) (A) "Telecommunications service" means the electronic
34 transmission, conveyance or routing of voice, image, data, audio, video
35 or any other information or signals to a point or between or among
36 points. "Telecommunications service" includes such transmission,
37 conveyance or routing in which computer processing applications are
38 used to act on the form, code or protocol of the content for purposes of
39 transmission, conveyance or routing without regard to whether such
40 service is referred to as a voice over Internet protocol service or is
41 classified by the Federal Communications Commission as enhanced or
42 value added. "Telecommunications service" does not include (i) value-
43 added nonvoice data services, (ii) radio and television audio and video
44 programming services, regardless of the medium, including the
45 furnishing of transmission, conveyance or routing of such services by
46 the programming service provider. Radio and television audio and
47 video programming services shall include, but not be limited to, cable
48 service as defined in 47 USC 522(6), audio and video programming
49 services delivered by commercial mobile radio service providers, as

50 defined in 47 CFR 20, and video programming service by certified
51 competitive video service providers, (iii) any telecommunications
52 service (I) rendered by a company in control of such service when
53 rendered for private use within its organization, or (II) used, allocated
54 or distributed by a company within its organization, including in such
55 organization affiliates, as defined in section 33-840, for the purpose of
56 conducting business transactions of the organization if such service is
57 purchased or leased from a company rendering telecommunications
58 service and such purchase or lease is subject to tax under this chapter,
59 (iv) access or interconnection service purchased by a provider of
60 telecommunications service from another provider of such service for
61 purposes of rendering such service, provided the purchaser submits to
62 the seller a certificate attesting to the applicability of this exclusion,
63 upon receipt of which the seller is relieved of any tax liability for such
64 sale so long as the certificate is taken in good faith by the seller, (v)
65 data processing and information services that allow data to be
66 generated, acquired, stored, processed or retrieved and delivered by
67 an electronic transmission to a purchaser where such purchaser's
68 primary purpose for the underlying transaction is the processed data
69 or information, (vi) installation or maintenance of wiring equipment
70 on a customer's premises, (vii) tangible personal property, (viii)
71 advertising, including, but not limited to, directory advertising, (ix)
72 billing and collection services provided to third parties, (x) Internet
73 access service, (xi) ancillary services, and (xii) digital products
74 delivered electronically, including, but not limited to, software, music,
75 video, reading materials or ring tones.

76 Sec. 3. Subdivision (1) of subsection (b) of section 14-36m of the 2016
77 supplement to the general statutes is repealed and the following is
78 substituted in lieu thereof (*Effective October 1, 2016*):

79 (b) (1) Notwithstanding any provision of the general statutes or any
80 regulation, the Commissioner of Motor Vehicles shall not decline to
81 issue a motor vehicle operator's license to any applicant who meets the
82 licensure requirements provided in section 14-36 but who cannot

83 establish that he or she is legally present in the United States or does
84 not have a Social Security number if such applicant (A) submits proof
85 of residency in the state, (B) submits either two forms of primary proof
86 of identity or one form of primary proof of identity and one form of
87 secondary proof of identity, and (C) files an affidavit with the
88 commissioner attesting that such applicant has filed an application to
89 legalize his or her immigration status or will file such an application as
90 soon as he or she is eligible to do so. Any form of primary proof of
91 identity, secondary proof of identity or proof of residency submitted to
92 the commissioner that is in a language other than English shall be
93 accompanied by a certified English translation of such document
94 prepared by a translator approved by the commissioner. No
95 [photocopies, notarized photocopies or noncertified documents are]
96 photocopy, notarized photocopy or noncertified document is
97 acceptable as a form of primary proof of identity, secondary proof of
98 identity or proof of residency.

99 Sec. 4. Subsection (a) of section 17a-12 of the 2016 supplement to the
100 general statutes is repealed and the following is substituted in lieu
101 thereof (*Effective October 1, 2016*):

102 (a) When the commissioner, or the commissioner's designee,
103 determines that a change of program is in the best interest of any child
104 or youth committed or transferred to the department, the
105 commissioner or the commissioner's designee [] may transfer such
106 person to any appropriate resource or program administered by or
107 available to the department, to any other state department or agency,
108 or to any private agency or organization within or without the state
109 under contract with the department; provided no child or youth
110 voluntarily admitted to the department under section 17a-11 shall be
111 placed or subsequently transferred to the Connecticut Juvenile
112 Training School; and further provided no transfer shall be made to any
113 institution, hospital or facility under the jurisdiction of the Department
114 of Correction, except as authorized by section 18-87, unless it is so
115 ordered by the Superior Court after a hearing. When, in the opinion of

116 the commissioner, or the commissioner's designee, a person fourteen
117 years of age or older is dangerous to himself or herself or others or
118 cannot be safely held at the Connecticut Juvenile Training School, if a
119 male, or at any other facility within the state available to the
120 Commissioner of Children and Families, the commissioner, or the
121 commissioner's designee, may request an immediate hearing before
122 the Superior Court on the docket for juvenile matters where such
123 person was originally committed to determine whether such person
124 shall be transferred to the John R. Manson Youth Institution, Cheshire,
125 if a male, or the York Correctional Institution, if a female. The court
126 shall, within three days of the hearing, make such determination. If the
127 court orders such transfer, the transfer shall be reviewed by the court
128 every six months thereafter to determine whether it should be
129 continued or terminated, unless the commissioner has already
130 exercised the powers granted to the commissioner under section 17a-
131 13 by removing such person from the John R. Manson Youth
132 Institution, Cheshire or the York Correctional Institution. Such transfer
133 shall terminate upon the expiration of the commitment in such juvenile
134 matter.

135 Sec. 5. Subsection (e) of section 17b-28 of the 2016 supplement to the
136 general statutes is repealed and the following is substituted in lieu
137 thereof (*Effective October 1, 2016*):

138 (e) The council shall monitor and make recommendations
139 concerning: (1) An enrollment process that ensures access for [each
140 Department of Social Services administered health care] the HUSKY
141 Health program and effective outreach and client education for [such
142 programs] said program; (2) available services comparable to those
143 already in the Medicaid state plan, including those guaranteed under
144 the federal Early and Periodic Screening, Diagnostic and Treatment
145 Services Program under 42 USC 1396d; (3) the sufficiency of accessible
146 adult and child primary care providers, specialty providers and
147 hospitals in Medicaid provider networks; (4) the sufficiency of
148 provider rates to maintain the Medicaid network of providers and

149 service access; (5) funding and agency personnel resources to
 150 guarantee timely access to services and effective management of the
 151 Medicaid program; (6) participation in care management programs
 152 including, but not limited to, medical home and health home models
 153 by existing community Medicaid providers; (7) the linguistic and
 154 cultural competency of providers and other program facilitators and
 155 data on the provision of Medicaid linguistic translation services; (8)
 156 program quality, including outcome measures and continuous quality
 157 improvement initiatives that may include provider quality
 158 performance incentives and performance targets for administrative
 159 services organizations; (9) timely, accessible and effective client
 160 grievance procedures; (10) coordination of the Medicaid care
 161 management programs with state and federal health care reforms; (11)
 162 eligibility levels for inclusion in the programs; (12) enrollee cost-
 163 sharing provisions; (13) a benefit package for [each of the health care
 164 programs set forth in subsection (a) of this section] the HUSKY Health
 165 program; (14) coordination of coverage continuity among Medicaid
 166 programs and integration of care, including, but not limited to,
 167 behavioral health, dental and pharmacy care provided through
 168 programs administered by the Department of Social Services; and (15)
 169 the need for program quality studies within the areas identified in this
 170 section and the department's application for available grant funds for
 171 such studies. The chairperson of the council shall ensure that sufficient
 172 members of the council participate in the review of any contract
 173 entered into by the Department of Social Services and an
 174 administrative services organization.

175 Sec. 6. Subsection (a) of section 18-81cc of the 2016 supplement to
 176 the general statutes is repealed and the following is substituted in lieu
 177 thereof (*Effective October 1, 2016*):

178 (a) Any agency of the state or any political subdivision of the state
 179 that incarcerates or detains adult or juvenile offenders, including
 180 persons detained for immigration violations, shall, within available
 181 appropriations, adopt and comply with the applicable standards

182 recommended by the National Prison Rape Elimination Commission
183 for the prevention, detection and monitoring of, and response to,
184 sexual abuse in adult prisons and jails, community [correction
185 facilities] correctional centers, juvenile facilities and lockups.

186 Sec. 7. Section 19a-504e of the 2016 supplement to the general
187 statutes is repealed and the following is substituted in lieu thereof
188 (*Effective October 1, 2016*):

189 (a) Nothing in section 19a-504c or this section shall be construed to
190 create a private right of action against a hospital, a hospital employee,
191 or any consultants or contractors with whom a hospital has a
192 contractual relationship.

193 (b) A hospital, a hospital employee, or any consultants or
194 contractors with whom a hospital has a contractual relationship shall
195 not be held liable, in any way, for the services rendered or not
196 rendered by the caregiver to the patient at the patient's home.

197 (c) Nothing in section 19a-504c or this section shall be construed to
198 obviate the obligation of an insurance company, health service
199 corporation, hospital service corporation, medical service corporation,
200 [health maintenance organization] health care center, as defined in
201 section 38a-175, or any other entity issuing health benefits plans to
202 provide coverage required under a health benefits plan.

203 (d) (1) An individual designated as caregiver pursuant to subsection
204 (d) of section 19a-504c shall not be reimbursed by any government or
205 commercial payer for post-discharge assistance that is provided
206 pursuant to section 19a-504c.

207 (2) Nothing in section 19a-504c or this section shall be construed to
208 impact, impede or otherwise disrupt or reduce the reimbursement
209 obligations of an insurance company, health service corporation,
210 hospital service corporation, medical service corporation, [health
211 maintenance organization] health care center, as defined in section 38a-
212 175, or any other entity issuing health benefits plans.

213 (3) Nothing in section 19a-504c or this section shall delay the
214 discharge of a patient or the transfer of a patient from a hospital to
215 another facility.

216 (4) Nothing in section 19a-504c or this section shall affect, nor take
217 precedence over, any advance directive, conservatorship or other
218 proxy health care rights as may be delegated by the patient or
219 applicable by law.

220 Sec. 8. Subsection (a) of section 21a-349 of the 2016 supplement to
221 the general statutes is repealed and the following is substituted in lieu
222 thereof (*Effective October 1, 2016*):

223 (a) Subject to the provisions of subsection (b) of this section, the
224 administrator, as defined in section 21a-335, may adopt, within
225 available appropriations, regulations, in accordance with chapter 54, to
226 require certain consumer products determined by the administrator
227 that bear lead-containing paint or that have lead in any part of the
228 product and that a child may reasonably or foreseeably come into
229 contact with, to carry a warning label described in this section. If the
230 administrator adopts such regulations, no person, firm or corporation
231 engaged in commerce shall have, offer for sale, sell or give away any
232 consumer product, identified in such regulations, that may be used by
233 the general public unless it bears a warning statement prescribed by
234 federal regulations or, if no warning statement is prescribed by federal
235 regulations, bears a warning statement that meets the requirements of
236 subdivision (1) or (2) of this [section] subsection, as appropriate. (1)
237 The warning statement shall be as follows when the consumer product
238 bears lead-containing paint: "WARNING--CONTAINS LEAD. DRIED
239 FILM OF THIS SUBSTANCE MAY BE HARMFUL IF EATEN OR
240 CHEWED. See Other Cautions on (Side or Back) Panel. Do not apply
241 on toys, or other children's articles, furniture, or interior or exterior
242 exposed surfaces of any residential building or facility that may be
243 occupied or used by children. KEEP OUT OF THE REACH OF
244 CHILDREN.". (2) The warning statement shall be as follows when the
245 consumer product bears a form of lead other than lead-containing

246 paint: "WARNING--CONTAINS LEAD. MAY BE HARMFUL IF
247 EATEN OR CHEWED. MAY GENERATE DUST CONTAINING
248 LEAD. KEEP OUT OF THE REACH OF CHILDREN.". The placement,
249 conspicuousness and contrast of such labeling shall be in accordance
250 with 16 CFR 1500.121.

251 Sec. 9. Subsection (a) of section 29-35 of the 2016 supplement to the
252 general statutes is repealed and the following is substituted in lieu
253 thereof (*Effective October 1, 2016*):

254 (a) No person shall carry any pistol or revolver upon his or her
255 person, except when such person is within the dwelling house or place
256 of business of such person, without a permit to carry the same issued
257 as provided in section 29-28. The provisions of this subsection shall not
258 apply to the carrying of any pistol or revolver by any parole officer or
259 peace officer of this state, or any Department of Motor Vehicles
260 inspector appointed under section 14-8 and certified pursuant to
261 section 7-294d, or parole officer or peace officer of any other state
262 while engaged in the pursuit of official duties, or federal marshal or
263 federal law enforcement agent, or to any member of the armed forces
264 of the United States, as defined in section 27-103, or of [this] the state,
265 as defined in section 27-2, when on duty or going to or from duty, or to
266 any member of any military organization when on parade or when
267 going to or from any place of assembly, or to the transportation of
268 pistols or revolvers as merchandise, or to any person transporting any
269 pistol or revolver while contained in the package in which it was
270 originally wrapped at the time of sale and while transporting the same
271 from the place of sale to the purchaser's residence or place of business,
272 or to any person removing such person's household goods or effects
273 from one place to another, or to any person while transporting any
274 such pistol or revolver from such person's place of residence or
275 business to a place or individual where or by whom such pistol or
276 revolver is to be repaired or while returning to such person's place of
277 residence or business after the same has been repaired, or to any
278 person transporting a pistol or revolver in or through the state for the

279 purpose of taking part in competitions, taking part in formal pistol or
280 revolver training, repairing such pistol or revolver or attending any
281 meeting or exhibition of an organized collectors' group if such person
282 is a bona fide resident of the United States and is permitted to possess
283 and carry a pistol or revolver in the state or subdivision of the United
284 States in which such person resides, or to any person transporting a
285 pistol or revolver to and from a testing range at the request of the
286 issuing authority, or to any person transporting an antique pistol or
287 revolver, as defined in section 29-33. For the purposes of this
288 subsection, "formal pistol or revolver training" means pistol or
289 revolver training at a locally approved or permitted firing range or
290 training facility, and "transporting a pistol or revolver" means
291 transporting a pistol or revolver that is unloaded and, if such pistol or
292 revolver is being transported in a motor vehicle, is not readily
293 accessible or directly accessible from the passenger compartment of the
294 vehicle or, if such pistol or revolver is being transported in a motor
295 vehicle that does not have a compartment separate from the passenger
296 compartment, such pistol or revolver shall be contained in a locked
297 container other than the glove compartment or console. Nothing in this
298 section shall be construed to prohibit the carrying of a pistol or
299 revolver during formal pistol or revolver training or repair.

300 Sec. 10. Subsection (a) of section 29-252 of the general statutes is
301 repealed and the following is substituted in lieu thereof (*Effective*
302 *October 1, 2016*):

303 (a) [As used in this subsection, "geotechnical" means any geological
304 condition, such as soil and subsurface soil condition, which may affect
305 the structural characteristics of a building or structure.] The State
306 Building Inspector and the Codes and Standards Committee shall,
307 jointly, with the approval of the Commissioner of Administrative
308 Services, adopt and administer a State Building Code based on a
309 nationally recognized model building code for the purpose of
310 regulating the design, construction and use of buildings or structures
311 to be erected and the alteration of buildings or structures already

312 erected and make such amendments thereto as they, from time to time,
313 deem necessary or desirable. Such amendments shall be limited to
314 administrative matters, geotechnical and weather-related portions of
315 said code, amendments to said code necessitated by a provision of the
316 general statutes and any other matter which, based on substantial
317 evidence, necessitates an amendment to said code. The code shall be
318 revised not later than January 1, 2005, and thereafter as deemed
319 necessary to incorporate any subsequent revisions to the code not later
320 than eighteen months following the date of first publication of such
321 subsequent revisions to the code. The purpose of said Building Code
322 shall also include, but not be limited to, promoting and ensuring that
323 such buildings and structures are designed and constructed in such a
324 manner as to conserve energy and, wherever practicable, facilitate the
325 use of renewable energy resources, including provisions for electric
326 circuits capable of supporting electric vehicle charging in any newly
327 constructed residential garage in any code adopted after July 8, 2013.
328 Said Building Code includes any code, rule or regulation incorporated
329 therein by reference. As used in this subsection, "geotechnical" means
330 any geological condition, such as soil and subsurface soil condition,
331 which may affect the structural characteristics of a building or
332 structure.

333 Sec. 11. Section 29-298a of the general statutes is repealed and the
334 following is substituted in lieu thereof (*Effective October 1, 2016*):

335 There shall be established within the Department of Administrative
336 Services a Fire Marshal Training Council which shall advise the State
337 Fire Marshal and the Codes and Standards Committee on all matters
338 pertaining to (1) certification training programs, (2) decertification
339 hearings, (3) in-service training for fire marshals in the state, and (4)
340 programs for all other persons eligible to receive training pursuant to
341 subsections (a) to (c), inclusive, of section 29-251c. The council shall be
342 composed of twelve members as follows: The State Fire Marshal or his
343 designee; a member of the Codes and Standards Committee to be
344 elected by such committee; three members appointed by the

345 Connecticut Fire [Marshals'] Marshals Association, one of whom shall
346 be a volunteer, one of whom shall be a part-time paid, and one of
347 whom shall be a full-time, local fire marshal, deputy fire marshal or
348 fire inspector; one member appointed by the Board of Regents for
349 Higher Education; two members appointed by the Board of Trustees
350 for the Community-Technical Colleges; the chief elected official of a
351 municipality having a population in excess of seventy thousand
352 persons, appointed by the Governor; the chief elected official of a
353 municipality having a population of less than seventy thousand
354 persons, appointed by the Governor; and two public members,
355 appointed by the Governor. Members shall be residents of this state
356 and shall not be compensated for their services but shall be reimbursed
357 for necessary expenses incurred in the performance of their duties. The
358 council may elect such officers as it deems necessary.

359 Sec. 12. Subsections (a) and (b) of section 31-76o of the 2016
360 supplement to the general statutes are repealed and the following is
361 substituted in lieu thereof (*Effective October 1, 2016*):

362 (a) For the purposes of this section, "employee welfare fund" [shall
363 have] has the same meaning as provided in subsection (i) of section 31-
364 53.

365 (b) Any payment to an employee welfare fund that is past due
366 under the terms of a written contract or rules and regulations adopted
367 by the trustees of such [funds] fund shall be considered wages for the
368 purpose of section 31-72.

369 Sec. 13. Subsection (a) of section 32-704 of the 2016 supplement to
370 the general statutes is repealed and the following is substituted in lieu
371 thereof (*Effective October 1, 2016*):

372 (a) As used in this section, the following terms [shall] have the
373 following meanings:

374 (1) "Capital project" means any acquisition, construction,
375 rehabilitation or remodeling of any structure used or intended to be

376 used for commercial purposes that is financed in whole or in part with
377 funds or property from or arranged by the state, including, but not
378 limited to, grants, loans, bonds, revenue bonds, tax increment
379 financing, conveyance of real property or other means;

380 (2) "Concession area" means a space or privilege granted within or
381 upon a premises that is used for the purpose of a subsidiary business
382 or service;

383 (3) "Contractor" means a business entity or individual who is
384 awarded a hospitality project contract;

385 (4) "Hospitality project" means any (A) capital project involving a
386 restaurant, bar, club, cafeteria or other food and beverage operation
387 within or upon the premises of a hotel, or (B) concession area used to
388 provide food and beverage or news or gift services within or upon the
389 premises of a state-owned or operated facility that is financed or
390 contracted for by the state;

391 (5) "Hotel" means a commercial establishment where sleeping
392 accommodations are offered for pay to transient guests;

393 (6) "Labor peace agreement" means an agreement between a
394 contractor, and any subcontractor thereof, and a labor organization
395 representing hotel or concession area employees in the state that
396 requires the labor organization and its members to refrain from
397 engaging in labor activity that may disrupt the operations of the hotel
398 or concession area, including, but not limited to, strikes, boycotts,
399 work stoppages and picketing;

400 (7) "State" means the state of Connecticut; and

401 (8) "Substantial proprietary interest" means (A) a financial
402 investment by the state of not less than six million dollars in any
403 hospitality project, or twenty per cent of the cost of such project,
404 whichever is less, in which the state shall be reimbursed under the
405 terms of a finance agreement, or (B) any contract, lease or license

406 entered into or issued pursuant to a hospitality project in which the
407 state is entitled to receive rents, royalties or other payments in
408 connection with a property provided by the state and based on the
409 revenue of such hospitality project.

410 Sec. 14. Subsection (d) of section 36a-683 of the 2016 supplement to
411 the general statutes is repealed and the following is substituted in lieu
412 thereof (*Effective October 1, 2016*):

413 (d) Notwithstanding any other provision of the Connecticut Truth-
414 in-Lending Act, (1) no person shall be entitled in any action to a
415 recovery under this section for the failure to disclose any information
416 required under said [sections] act if a recovery is awarded in the same
417 action under 15 USC 1640, as amended from time to time, for the
418 failure to disclose any information required under said [sections] act;
419 and (2) no person shall be entitled in any action brought under this
420 section to a recovery if, prior to an award in any such action, a
421 recovery has been awarded to such person in any action brought
422 under 15 USC 1640, as amended from time to time, in which the same
423 act or omission was the basis of that action.

424 Sec. 15. Subdivision (4) of subsection (d) of section 36a-684 of the
425 2016 supplement to the general statutes is repealed and the following
426 is substituted in lieu thereof (*Effective October 1, 2016*):

427 (4) In addition to the enforcement powers authorized by the
428 provisions of this section, the commissioner may order any creditor to
429 make an adjustment as provided in this subsection. After such an
430 order is issued, the persons named therein may, within fourteen days
431 after receipt of the order, file a written request for a hearing. The
432 hearing shall be held in accordance with the provisions of chapter 54.

433 Sec. 16. Subsection (e) of section 45a-63 of the 2016 supplement to
434 the general statutes is repealed and the following is substituted in lieu
435 thereof (*Effective October 1, 2016*):

436 (e) If (1) the complaint filed involves a respondent who is a member

437 of the council, the respondent shall be disqualified from acting in his
438 or her capacity as a council member in the investigation and hearing
439 on the matter, or (2) a probate judge who is a member of the council is
440 unable to act for any other reason, a probate judge shall be appointed
441 to act in his or her stead by the president-judge of the Connecticut
442 Probate Assembly, established under section 45a-90. If a council
443 member appointed by the Chief Justice disqualifies himself or herself
444 with regard to a matter before the council, or is unable to act for any
445 other reason, the Chief Justice shall appoint a substitute member to act
446 in connection with such matter. If a council member appointed by the
447 Governor disqualifies himself or herself with regard to a matter before
448 the council, or is unable to act for any other reason, the Governor shall
449 appoint a substitute member to act in connection with such matter.
450 Any substitute shall satisfy the same criteria for selection as the
451 disqualified member.

452 Sec. 17. Subsection (b) of section 45a-65 of the 2016 supplement to
453 the general statutes is repealed and the following is substituted in lieu
454 thereof (*Effective October 1, 2016*):

455 (b) If public admonishment or public censure is recommended, the
456 chairman shall prepare and forward the admonishment or censure in
457 writing to the respondent, signing the admonishment or censure as
458 chairman of the council. The respondent may, within twenty days after
459 receiving notice of public admonishment or censure by the council,
460 appeal to the Supreme Court of Connecticut. A respondent filing an
461 appeal shall give notice of its filing to the council before the expiration
462 of time for filing of an appeal. The council shall, within two weeks
463 following receipt of notice of an appeal, file a finding of fact and
464 conclusions therefrom. A copy of the admonishment or censure shall
465 be furnished to the Chief Justice, the Chief Court Administrator, the
466 Probate Court Administrator, the president-judge of the Connecticut
467 Probate Assembly and the complainant. If a judge or judicial candidate
468 is the subject of the admonishment or censure, a copy of the
469 admonishment or censure shall be furnished to the town clerk in each

470 town in the judge's or judicial candidate's probate district.

471 Sec. 18. Subsection (a) of section 45a-85 of the 2016 supplement to
472 the general statutes is repealed and the following is substituted in lieu
473 thereof (*Effective October 1, 2016*):

474 (a) The Probate Court Administrator shall establish a Probate Court
475 Budget Committee consisting of the Probate Court Administrator and
476 two [judges of probate] probate judges appointed by the Connecticut
477 Probate Assembly. The Probate Court Administrator shall serve as
478 chairperson of the committee.

479 Sec. 19. Section 45a-98 of the 2016 supplement to the general
480 statutes, as amended by section 46 of public act 15-240, is repealed and
481 the following is substituted in lieu thereof (*Effective October 1, 2016*):

482 (a) [Courts of probate] Probate Courts in their respective districts
483 shall have the power to (1) grant administration of intestate estates of
484 persons who have died domiciled in their districts and of intestate
485 estates of persons not domiciled in this state which may be granted as
486 provided by section 45a-303; (2) admit wills to probate of persons who
487 have died domiciled in their districts or of nondomiciliaries whose
488 wills may be proved in their districts as provided in section 45a-287;
489 (3) except as provided in section 45a-98a or as limited by an applicable
490 statute of limitations, determine title or rights of possession and use in
491 and to any real, tangible or intangible property that constitutes, or may
492 constitute, all or part of any trust, any decedent's estate, or any estate
493 under control of a guardian or conservator, which trust or estate is
494 otherwise subject to the jurisdiction of the Probate Court, including the
495 rights and obligations of any beneficiary of the trust or estate and
496 including the rights and obligations of any joint tenant with respect to
497 survivorship property; (4) except as provided in section 45a-98a,
498 construe the meaning and effect of (A) any will or trust agreement if a
499 construction is required in connection with the administration or
500 distribution of a trust or estate otherwise subject to the jurisdiction of
501 the Probate Court; (B) an inter vivos trust upon a petition that meets

502 the requirements for a petition for an accounting pursuant to
503 subsection (b) or (c) of section 45a-175, as amended by this act,
504 provided such an accounting need not be required; or (C) a power of
505 attorney pursuant to section 1-350o; (5) except as provided in section
506 45a-98a, apply the doctrine of cy pres or approximation; (6) to the
507 extent provided for in section 45a-175, as amended by this act, call
508 executors, administrators, trustees, guardians, conservators, persons
509 appointed to sell the land of minors, and agents acting under powers
510 of attorney created in accordance with sections 1-350 to 1-353b,
511 inclusive, to account concerning the estates entrusted to their charge or
512 for other relief as provided in sections 1-350 to 1-353b, inclusive; and
513 (7) make any lawful orders or decrees to carry into effect the power
514 and jurisdiction conferred upon them by the laws of this state.

515 (b) The jurisdiction of [courts of probate] Probate Courts to
516 determine title or rights or to construe instruments or to apply the
517 doctrine of cy pres or approximation pursuant to subsection (a) of this
518 section is concurrent with the jurisdiction of the Superior Court and
519 does not affect the power of the Superior Court as a court of general
520 jurisdiction.

521 Sec. 20. Section 45a-175 of the 2016 supplement to the general
522 statutes, as amended by section 47 of public act 15-240, is repealed and
523 the following is substituted in lieu thereof (*Effective October 1, 2016*):

524 (a) [Courts of probate] Probate Courts shall have jurisdiction of the
525 interim and final accounts of testamentary trustees, trustees appointed
526 by the [courts of probate] Probate Courts, conservators, guardians,
527 persons appointed by [probate courts] Probate Courts to sell the land
528 of minors, executors, administrators and trustees in insolvency, and, to
529 the extent provided for in this section, shall have jurisdiction of
530 accounts of the actions of trustees of inter vivos trusts and agents
531 acting under powers of attorney.

532 (b) A trustee or settlor of an inter vivos trust or the successor of the
533 trustee, settlor or his or her legal representative may make application

534 to the [court of probate] Probate Court for the district where the
535 trustee, or any one of them, has any place of business or to the [court of
536 probate] Probate Court for the district where the trustee or any one of
537 them or the settlor resides or, in the case of a deceased settlor, to the
538 [court of probate] Probate Court having jurisdiction over the estate of
539 the settlor or for the district in which the settlor resided immediately
540 prior to death for submission to the jurisdiction of the court of an
541 account for allowance of the trustee's actions under such trust.

542 (c) (1) Any beneficiary of an inter vivos trust may petition a [court of
543 probate] Probate Court having jurisdiction under this section for an
544 accounting by the trustee or trustees. The court may, after hearing with
545 notice to all interested parties, grant the petition and require an
546 accounting for such periods of time as it determines are reasonable and
547 necessary on finding that: (A) The beneficiary has an interest in the
548 trust sufficient to entitle him or her to an accounting, (B) cause has
549 been shown that an accounting is necessary, and (C) the petition is not
550 for the purpose of harassment.

551 (2) A [court of probate] Probate Court shall have jurisdiction to
552 require an accounting under subdivision (1) of this subsection if (A) a
553 trustee of the trust resides in its district, (B) in the case of a corporate
554 trustee, the trustee has any place of business in the district, (C) any of
555 the trust assets are maintained or evidences of intangible property of
556 the trust are situated in the district, or (D) the settlor resides in the
557 district or, in the case of a deceased settlor, resided in the district
558 immediately prior to death.

559 (3) As used in subdivision (1) of this subsection, "beneficiary" means
560 any person currently receiving payments of income or principal from
561 the trust, or who may be entitled to receive income or principal or both
562 from the trust at some future date, or the legal representative of such
563 person.

564 (d) Any of the persons specified in section 1-350o may make
565 application to the [court of probate] Probate Court for the district

566 where the agent has any place of business or to the [court of probate]
567 Probate Court for the district where the agent or the principal resides
568 or, in the case of a deceased principal, to the [court of probate] Probate
569 Court having jurisdiction over the estate of the principal or for the
570 district in which the principal resided immediately prior to death, for
571 an accounting or other relief as provided in section 1-350o. The court
572 shall grant the petition if filed by the principal, agent, guardian,
573 conservator or other fiduciary acting for the principal. The court may
574 grant a petition filed by any other person specified in section 1-350o if
575 it finds that (1) the petitioner has an interest sufficient to entitle him to
576 the relief requested, (2) cause has been shown that such relief is
577 necessary, and (3) the petition is not for the purpose of harassment.

578 (e) The action to submit an accounting to the court, whether by an
579 inter vivos trustee or agent acting under a power of attorney or
580 whether pursuant to petition of another party, shall not subject the
581 trust or the power of attorney to the continuing jurisdiction of the
582 Probate Court.

583 (f) If the court finds such appointment to be necessary and in the
584 best interests of the estate, the court upon its own motion may appoint
585 an auditor to be selected from a list provided by the Probate Court
586 Administrator, to examine accounts over which the court has
587 jurisdiction under this section, except those accounts on matters in
588 which the fiduciary or cofiduciary is a corporation having trust
589 powers. The Probate Court Administrator shall promulgate
590 regulations in accordance with section 45a-77 concerning the
591 compilation of a list of qualified auditors. Costs of the audit may be
592 charged to the fiduciary, any party in interest and the estate, in such
593 proportion as the court shall direct if the court finds such charge to be
594 equitable. Any such share may be paid from the fund established
595 under section 45a-82, subject to the approval of the Probate Court
596 Administrator, if it is determined that the person obligated to pay such
597 share is unable to pay or to charge such amount to the estate would
598 cause undue hardship.

599 (g) Upon the allowance of any such account, the court shall
600 determine the rights of the fiduciaries or the agent under a power of
601 attorney rendering the account and of the parties interested in the
602 account, including the relief authorized under section 1-350p, subject
603 to appeal as in other cases. The court shall cause notice of the hearing
604 on the account to be given in such manner and to such parties as it
605 directs.

606 (h) In any action under this section, the Probate Court shall have, in
607 addition to powers pursuant to this section, all the powers available to
608 a judge of the Superior Court at law and in equity pertaining to
609 matters under this section.

610 Sec. 21. Subsection (n) of section 45a-650 of the 2016 supplement to
611 the general statutes, as amended by section 49 of public act 15-240, is
612 repealed and the following is substituted in lieu thereof (*Effective*
613 *October 1, 2016*):

614 (n) Nothing in this chapter shall impair, limit or diminish a
615 conserved person's right to retain an attorney to represent such person
616 or to seek redress of grievances in any court or administrative agency,
617 including proceedings in the nature of habeas corpus arising out of
618 any limitations imposed on the conserved person by court action taken
619 under this chapter, chapter 319i, chapter 319j or section 45a-242. In any
620 other proceeding in which the conservator has retained counsel for the
621 conserved person, the conserved person may request the [Court of
622 Probate] court to direct the conservator to substitute an attorney
623 chosen by the conserved person.

624 Sec. 22. Subsection (b) of section 46b-331 of the 2016 supplement to
625 the general statutes is repealed and the following is substituted in lieu
626 thereof (*Effective October 1, 2016*):

627 (b) A responding tribunal of this state, to the extent not prohibited
628 by other law, may do one or more of the following: (1) [establish]
629 Establish or enforce a support order, modify a child support order,

630 determine the controlling child support order or determine parentage
631 of a child; (2) order an obligor to comply with a support order,
632 specifying the amount and the manner of compliance; (3) order income
633 withholding; (4) determine the amount of any arrearages and specify a
634 method of payment; (5) enforce orders by civil or criminal contempt, or
635 both; (6) set aside property for satisfaction of the support order; (7)
636 place liens and order execution on the obligor's property; (8) order an
637 obligor to keep the tribunal informed of the obligor's current
638 residential address, electronic mail address, telephone number,
639 employer, address of employment and telephone number at the place
640 of employment; (9) issue a *capias mittimus* for an obligor who has
641 failed after proper notice to appear at a hearing ordered by the tribunal
642 and enter the *capias mittimus* in any local and state computer systems
643 for criminal warrants; (10) order the obligor to seek appropriate
644 employment by specified methods; (11) award reasonable attorney's
645 fees and other fees and costs; and (12) grant any other available
646 remedy.

647 Sec. 23. Subsection (a) of section 46b-371 of the 2016 supplement to
648 the general statutes is repealed and the following is substituted in lieu
649 thereof (*Effective October 1, 2016*):

650 (a) Except as otherwise provided in section 46b-403, a support order
651 or income-withholding order of another state or a foreign support
652 order may be registered in this state by sending the following records
653 to the Family Support Magistrate Division of the Superior Court in this
654 state: (1) [a] A letter of transmittal to the tribunal requesting
655 registration and enforcement; (2) two copies, including one certified
656 copy, of the order to be registered, including any modification of the
657 order; (3) a sworn statement by the person requesting registration or a
658 certified statement by the custodian of the records showing the amount
659 of any arrearage; (4) the name of the obligor and, if known (A) the
660 obligor's address and Social Security number; (B) the name and
661 address of the obligor's employer and any other source of income of
662 the obligor; and (C) a description and the location of property of the

663 obligor in this state not exempt from execution; and (5) except as
664 otherwise provided in section 46b-338, the name and address of the
665 obligee and, if applicable, the person to whom support payments are
666 to be remitted.

667 Sec. 24. Subsection (a) of section 46b-379 of the 2016 supplement to
668 the general statutes is repealed and the following is substituted in lieu
669 thereof (*Effective October 1, 2016*):

670 (a) A party contesting the validity or enforcement of a registered
671 support order or seeking to vacate the registration has the burden of
672 proving one or more of the following defenses: (1) [the] The issuing
673 tribunal lacked personal jurisdiction over the contesting party; (2) the
674 order was obtained by fraud; (3) the order has been vacated,
675 suspended or modified by a later order; (4) the issuing tribunal has
676 stayed the order pending appeal; (5) there is a defense under the law of
677 this state to the remedy sought; (6) full or partial payment has been
678 made; (7) the statute of limitations under section 46b-373 precludes
679 enforcement of some or all of the alleged arrearages; or (8) the alleged
680 controlling order is not the controlling order.

681 Sec. 25. Subsection (a) of section 46b-386 of the 2016 supplement to
682 the general statutes is repealed and the following is substituted in lieu
683 thereof (*Effective October 1, 2016*):

684 (a) If section 46b-388 does not apply, upon petition a tribunal of this
685 state may modify a child support order issued in another state which is
686 registered in this state if, after notice and hearing, the tribunal finds
687 that (1) the following requirements are met: (A) [neither] Neither the
688 child, nor the obligee who is an individual, nor the obligor resides in
689 the issuing state; (B) a petitioner who is a nonresident of this state
690 seeks modification; and (C) the respondent is subject to the personal
691 jurisdiction of the tribunal of this state; or (2) this state is the residence
692 of the child, or a party who is an individual is subject to the personal
693 jurisdiction of the tribunal of this state, and all of the parties who are
694 individuals have filed consents in a record in the issuing tribunal for a

695 tribunal of this state to modify the support order and assume
696 continuing, exclusive jurisdiction.

697 Sec. 26. Section 46b-401 of the 2016 supplement to the general
698 statutes is repealed and the following is substituted in lieu thereof
699 (*Effective October 1, 2016*):

700 (a) In a support proceeding under sections 46b-398 to 46b-410,
701 inclusive, the IV-D agency of this state shall (1) transmit and receive
702 applications; and (2) initiate or facilitate the institution of a proceeding
703 regarding an application in a tribunal of this state.

704 (b) The following support proceedings are available to an obligee
705 under the Convention: (1) [recognition] Recognition or recognition and
706 enforcement of a foreign support order; (2) enforcement of a support
707 order issued or recognized in this state; (3) establishment of a support
708 order if there is no existing order, including, if necessary,
709 determination of parentage of a child; (4) establishment of a support
710 order if recognition of a foreign support order is refused under
711 subdivisions (2), (4) or (9) of subsection (b) of section 46b-405; (5)
712 modification of a support order of a tribunal of this state; and (6)
713 modification of a support order of a tribunal of another state or a
714 foreign country.

715 (c) The following support proceedings are available under the
716 Convention to an obligor against which there is an existing support
717 order: (1) [recognition] Recognition of an order suspending or limiting
718 enforcement of an existing support order of a tribunal of this state; (2)
719 modification of a support order of a tribunal of this state; and (3)
720 modification of a support order of a tribunal of another state or a
721 foreign country.

722 (d) A tribunal of this state may not require security, bond, or
723 deposit, however described, to guarantee the payment of costs and
724 expenses in proceedings under the Convention.

725 Sec. 27. Subsection (b) of section 46b-405 of the 2016 supplement to

726 the general statutes is repealed and the following is substituted in lieu
727 thereof (*Effective October 1, 2016*):

728 (b) The following grounds are the only grounds on which a tribunal
729 of this state may refuse recognition and enforcement of a registered
730 Convention support order: (1) [recognition] Recognition and
731 enforcement of the order is manifestly incompatible with public policy,
732 including the failure of the issuing tribunal to observe minimum
733 standards of due process, which include notice and an opportunity to
734 be heard; (2) the issuing tribunal lacked personal jurisdiction
735 consistent with section 46b-311; (3) the order is not enforceable in the
736 issuing country; (4) the order was obtained by fraud in connection
737 with a matter of procedure; (5) a record transmitted in accordance with
738 section 46b-403 lacks authenticity or integrity; (6) a proceeding
739 between the same parties and having the same purpose is pending
740 before a tribunal of this state and that proceeding was the first to be
741 filed; (7) the order is incompatible with a more recent support order
742 involving the same parties and having the same purpose if the more
743 recent support order is entitled to recognition and enforcement under
744 sections 46b-301 to 46b-425, inclusive, in this state; (8) payment, to the
745 extent alleged arrears have been paid in whole or in part; (9) in a case
746 in which the respondent neither appeared nor was represented in the
747 proceeding in the issuing foreign country (A) if the law of that country
748 provides for prior notice of proceedings, the respondent did not have
749 proper notice of the proceedings and an opportunity to be heard; or (B)
750 if the law of that country does not provide for prior notice of the
751 proceedings, the respondent did not have proper notice of the order
752 and an opportunity to be heard in a challenge or appeal on fact or law
753 before a tribunal; or (10) the order was made in violation of section
754 46b-408.

755 Sec. 28. Subsection (a) of section 53a-60 of the 2016 supplement to
756 the general statutes is repealed and the following is substituted in lieu
757 thereof (*Effective October 1, 2016*):

758 (a) A person is guilty of assault in the second degree when: (1) With

759 intent to cause serious physical injury to another person, the actor
760 causes such injury to such person or to a third person; or (2) with
761 intent to cause physical injury to another person, the actor causes such
762 injury to such person or to a third person by means of a deadly
763 weapon or a dangerous instrument other than by means of the
764 discharge of a firearm; or (3) the actor recklessly causes serious
765 physical injury to another person by means of a deadly weapon or a
766 dangerous instrument; or (4) for a purpose other than lawful medical
767 or therapeutic treatment, the actor intentionally causes stupor,
768 unconsciousness or other physical impairment or injury to another
769 person by administering to such person, without his consent, a drug,
770 substance or preparation capable of producing the same; or (5) the
771 actor is a parolee from a correctional institution and with intent to
772 cause physical injury to an employee or member of the Board of
773 Pardons and Paroles, [he] the actor causes physical injury to such
774 employee or member; or (6) with intent to cause serious physical injury
775 to another person by rendering such other person unconscious, and
776 without provocation by such other person, the actor causes such injury
777 to such other person by striking such other person on the head; or (7)
778 with intent to cause physical injury to another person, the actor causes
779 such injury to such person by striking or kicking such person in the
780 head while such person is in a lying position.

781 Sec. 29. Subsection (c) of section 54-56e of the 2016 supplement to
782 the general statutes is repealed and the following is substituted in lieu
783 thereof (*Effective October 1, 2016*):

784 (c) This section shall not be applicable: (1) To any person charged
785 with (A) a class A felony, (B) a class B felony, except a violation of
786 subdivision (1), (2) or (3) of subsection (a) of section 53a-122 that does
787 not involve the use, attempted use or threatened use of physical force
788 against another person, or a violation of subdivision (4) of subsection
789 (a) of section 53a-122 that does not involve the use, attempted use or
790 threatened use of physical force against another person and does not
791 involve a violation by a person who is a public official, as defined in

792 section 1-110, or a state or municipal employee, as defined in section 1-
 793 110, or (C) a violation of section 14-227a, subdivision (2) of subsection
 794 (a) of section 53-21, section 53a-56b, 53a-60d, 53a-70, 53a-70a, 53a-70b,
 795 53a-71, except as provided in subdivision (5) of this subsection, 53a-
 796 72a, 53a-72b, 53a-90a, 53a-196e or 53a-196f, (2) to any person charged
 797 with a crime or motor vehicle violation who, as a result of the
 798 commission of such crime or motor vehicle violation, causes the death
 799 of another person, (3) to any person accused of a family violence crime
 800 as defined in section 46b-38a who (A) is eligible for the pretrial family
 801 violence education program established under section 46b-38c, or (B)
 802 has previously had the pretrial family violence education program
 803 invoked in such person's behalf, (4) to any person charged with a
 804 violation of section 21a-267 or 21a-279 who (A) is eligible for the
 805 pretrial drug education and community service program established
 806 under section 54-56i, or (B) has previously had the pretrial drug
 807 education program or the pretrial drug education and community
 808 service program invoked on such person's behalf, (5) unless good
 809 cause is shown, to (A) any person charged with a class C felony, or (B)
 810 any person charged with committing a violation of subdivision (1) of
 811 subsection (a) of section 53a-71 while such person was less than four
 812 years older than the other person, (6) to any person charged with a
 813 violation of section 9-359 or 9-359a, (7) to any person charged with a
 814 motor vehicle violation (A) while operating a commercial motor
 815 vehicle, as defined in section 14-1, or (B) who holds a commercial
 816 driver's license or commercial driver's instruction permit at the time of
 817 the violation, (8) to any person charged with a violation of subdivision
 818 (6) of subsection (a) of section 53a-60, as amended by this act, or (9) to a
 819 health care provider or vendor participating in the state's Medicaid
 820 program charged with a violation of section 53a-122 or subdivision (4)
 821 of subsection (a) of section 53a-123.

822 Sec. 30. Subdivision (2) of subsection (b) of section 54-126a of the
 823 2016 supplement to the general statutes is repealed and the following
 824 is substituted in lieu thereof (*Effective October 1, 2016*):

825 (2) [Such panel] A panel of said board shall permit any victim of the
 826 crime for which the inmate is incarcerated to appear before the panel
 827 for the purpose of making a statement for the record concerning
 828 whether the inmate should be released on parole or the nature of any
 829 terms or conditions to be imposed upon any such release. In lieu of
 830 such appearance, the victim may submit a written statement to the
 831 panel and the panel shall make such statement a part of the record at
 832 the parole hearing. At any such hearing, the record shall reflect that all
 833 reasonable efforts to notify registered victims were undertaken.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2016</i>	2-1e(c)
Sec. 2	<i>October 1, 2016</i>	12-407(a)(26)(A)
Sec. 3	<i>October 1, 2016</i>	14-36m(b)(1)
Sec. 4	<i>October 1, 2016</i>	17a-12(a)
Sec. 5	<i>October 1, 2016</i>	17b-28(e)
Sec. 6	<i>October 1, 2016</i>	18-81cc(a)
Sec. 7	<i>October 1, 2016</i>	19a-504e
Sec. 8	<i>October 1, 2016</i>	21a-349(a)
Sec. 9	<i>October 1, 2016</i>	29-35(a)
Sec. 10	<i>October 1, 2016</i>	29-252(a)
Sec. 11	<i>October 1, 2016</i>	29-298a
Sec. 12	<i>October 1, 2016</i>	31-76o(a) and (b)
Sec. 13	<i>October 1, 2016</i>	32-704(a)
Sec. 14	<i>October 1, 2016</i>	36a-683(d)
Sec. 15	<i>October 1, 2016</i>	36a-684(d)(4)
Sec. 16	<i>October 1, 2016</i>	45a-63(e)
Sec. 17	<i>October 1, 2016</i>	45a-65(b)
Sec. 18	<i>October 1, 2016</i>	45a-85(a)
Sec. 19	<i>October 1, 2016</i>	45a-98
Sec. 20	<i>October 1, 2016</i>	45a-175
Sec. 21	<i>October 1, 2016</i>	45a-650(n)
Sec. 22	<i>October 1, 2016</i>	46b-331(b)
Sec. 23	<i>October 1, 2016</i>	46b-371(a)
Sec. 24	<i>October 1, 2016</i>	46b-379(a)
Sec. 25	<i>October 1, 2016</i>	46b-386(a)
Sec. 26	<i>October 1, 2016</i>	46b-401

Sec. 27	<i>October 1, 2016</i>	46b-405(b)
Sec. 28	<i>October 1, 2016</i>	53a-60(a)
Sec. 29	<i>October 1, 2016</i>	54-56e(c)
Sec. 30	<i>October 1, 2016</i>	54-126a(b)(2)

JUD *Joint Favorable*