



General Assembly

Amendment

February Session, 2016

LCO No. 5737



Offered by:

REP. TONG, 147th Dist.
SEN. COLEMAN, 2nd Dist.
REP. CURREY, 11th Dist.

REP. SIMMONS, 144th Dist.
REP. WALKER, 93rd Dist.
SEN. WINFIELD, 10th Dist.

To: Subst. House Bill No. 5400

File No. 605

Cal. No. 373

**"AN ACT CONCERNING THE DISCLOSURE OF CERTAIN
EDUCATION PERSONNEL RECORDS."**

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

3 "Section 1. Section 10-221d of the general statutes is repealed and the
4 following is substituted in lieu thereof (*Effective July 1, 2016*):

5 (a) Each local and regional board of education, each governing
6 council of a state or local charter school and each interdistrict magnet
7 school operator shall (1) require each applicant for a position in a
8 public school with such board, council or operator to state whether
9 such [person] applicant has ever been convicted of a crime or whether
10 criminal charges are pending against such [person at the time of such
11 person's application] applicant, (2) [(A) on and after July 1, 2011,]
12 require each applicant [for a position in a public school requiring a
13 certificate, authorization or permit issued pursuant to chapter 166] to

14 submit to a records check of the Department of Children and Families
15 child abuse and neglect registry established pursuant to section 17a-
16 101k, before such applicant may be hired by such board, [and (B) on
17 and after July 1, 2012, require each applicant for a position in a public
18 school that does not require a certificate, authorization or permit
19 issued pursuant to chapter 166 to submit to a records check of the
20 Department of Children and Families child abuse and neglect registry
21 established pursuant to section 17a-101k, before such applicant may be
22 hired by such board, (3)] council or operator, (3) on and after July 1,
23 2016, require, subject to the provisions of subsection (d) of this section,
24 each [person hired by the board after July 1, 1994,] applicant for a
25 position to submit to state and national criminal history records checks
26 within thirty days from the date of employment and may require,
27 subject to the provisions of subsection (d) of this section, any person
28 hired prior to said date to submit to state and national criminal history
29 records checks, and (4) require each worker (A) placed within a school
30 under a public assistance employment program, (B) employed by a
31 provider of supplemental services pursuant to the No Child Left
32 Behind Act, P.L. 107-110, or (C) [on and after July 1, 2010,] in a
33 nonpaid, noncertified position completing preparation requirements
34 for the issuance of an educator certificate pursuant to chapter 166, who
35 performs a service involving direct student contact to submit to state
36 and national criminal history records checks within thirty days from
37 the date such worker begins to perform such service. The criminal
38 history records checks required by this subsection shall be conducted
39 in accordance with section 29-17a. If the local or regional board of
40 education receives notice of a conviction of a crime which has not
41 previously been disclosed by such person to the board, the board may
42 (i) terminate the contract of a certified employee, in accordance with
43 the provisions of section 10-151, and (ii) dismiss a noncertified
44 employee, provided such employee is notified of the reason for such
45 dismissal. [is provided the opportunity to file with the board, in
46 writing, any proper answer to such criminal conviction and a copy of
47 the notice of such criminal conviction, the answer and the dismissal
48 order are made a part of the records of the board.] In addition, if the

49 local or regional board of education receives notice of a conviction of a
50 crime by a person (I) holding a certificate, authorization or permit
51 issued by the State Board of Education, (II) employed by a provider of
52 supplemental services, or (III) [on and after July 1, 2010,] in a nonpaid,
53 noncertified position completing preparation requirements for the
54 issuance of an educator certificate pursuant to chapter 166, the local or
55 regional board of education shall send such notice to the State Board of
56 Education. The supervisory agent of a private school may require any
57 applicant for a position in such school or any employee of such school
58 to submit to state and national criminal history records checks in
59 accordance with the procedures described in this subsection.

60 (b) If a local or regional board of education, governing council of a
61 state or local charter school, operator of an interdistrict magnet school,
62 endowed or incorporated academy approved by the State Board of
63 Education pursuant to section 10-34, or special education facility
64 approved by the State Board of Education pursuant to section 10-76d
65 requests, a regional educational service center shall arrange for the
66 fingerprinting of any person required to submit to state and national
67 criminal history records checks pursuant to this section or for
68 conducting any other method of positive identification required by the
69 State Police Bureau of Identification or the Federal Bureau of
70 Investigation and shall forward such fingerprints or other positive
71 identifying information to the State Police Bureau of Identification
72 which shall conduct criminal history records checks in accordance with
73 section 29-17a. Such regional educational service center shall maintain
74 such fingerprints or other positive identifying information, which may
75 be in an electronic format, for a period of four years, at the end of
76 which such fingerprints and positive identifying information shall be
77 destroyed. Such regional educational service centers shall provide the
78 results of such checks to such local or regional board of education,
79 governing council of a state or local charter school, operator of an
80 interdistrict magnet school, endowed or incorporated academy or
81 special education facility and to a contractor, in the case of any
82 employee of an applicant contractor subject to such records checks.

83 Such regional educational service centers shall provide such results to
84 any other local or regional board of education or regional educational
85 service center upon the request of such person. No regional
86 educational service center shall charge a fee for services under this
87 subsection that exceeds any fee that the center may charge any
88 applicant for a position with such center.

89 (c) State and national criminal history records checks for substitute
90 teachers completed within one year prior to the date of employment
91 with a local or regional board of education, council or operator and
92 submitted to the employing board of education, council or operator
93 shall meet the requirements of subdivision (3) of subsection (a) of this
94 section. A local or regional board of education, council or operator
95 shall not require substitute teachers to submit to state and national
96 criminal history records checks pursuant to subdivision (3) of
97 subsection (a) of this section if they are continuously employed by
98 such local or regional board of education, council or operator,
99 provided a substitute teacher is subjected to such checks at least once
100 every five years. For purposes of this section, substitute teachers shall
101 be deemed to be continuously employed by a local or regional board of
102 education, council or operator if they are employed at least one day of
103 each school year by such local or regional board of education, council
104 or operator.

105 [(d) (1) The provisions of this section shall not apply to a person
106 required to submit to a criminal history records check pursuant to the
107 provisions of subsection (e) of section 14-44.]

108 [(2)] (d) The provisions of this section shall not apply to a student
109 employed by the local or regional school district in which the student
110 attends school.

111 [(3) The provisions of subsection (a) of this section requiring state
112 and national criminal history records checks shall, at the discretion of a
113 local or regional board of education, apply to a person employed by a
114 local or regional board of education as a teacher for a noncredit adult

115 class or adult education activity, as defined in section 10-67, who is not
116 required to hold a teaching certificate pursuant to section 10-145b for
117 his or her position.]

118 (e) The State Board of Education shall submit, periodically, a
119 database of applicants for an initial issuance of certificate,
120 authorization or permit pursuant to sections 10-144o to 10-149,
121 inclusive, to the State Police Bureau of Identification. The State Police
122 Bureau of Identification shall conduct a state criminal history records
123 check against such database and notify the State Board of Education of
124 any such applicant who has a criminal conviction. The State Board of
125 Education shall not issue a certificate, authorization or permit until it
126 receives and evaluates the results of such check and may deny an
127 application in accordance with the provisions of subsection (i) of
128 section 10-145b.

129 (f) The State Board of Education shall submit, periodically, a
130 database of all persons who hold certificates, authorizations or permits
131 to the State Police Bureau of Identification. The State Police Bureau of
132 Identification shall conduct a state criminal history records check
133 against such database and shall notify the State Board of Education of
134 any such person who has a criminal conviction. The State Board of
135 Education may revoke the certificate, authorization or permit of such
136 person in accordance with the provisions of subsection (i) of section 10-
137 145b.

138 (g) The State Board of Education shall require each applicant
139 seeking an initial issuance or renewal of a certificate, authorization or
140 permit pursuant to sections 10-144o to 10-149, inclusive, to submit to a
141 records check of the Department of Children and Families child abuse
142 and neglect registry established pursuant to section 17a-101k. If
143 notification is received that the applicant is listed as a perpetrator of
144 abuse or neglect on the Department of Children and Families child
145 abuse and neglect registry, the board shall deny an application for the
146 certificate, authorization or permit in accordance with the provisions of
147 subsection (i) of section 10-145b, or may revoke the certificate,

148 authorization or permit in accordance with the provisions of said
149 subsection (i).

150 (h) Notwithstanding the provisions of subsection (f) of section 31-
151 51i, the Department of Education shall, upon request of a local or
152 regional board of education, governing council of a state or local
153 charter school or an interdistrict magnet school operator, make
154 available to such local or regional board of education, governing
155 council or interdistrict magnet school operator requesting information
156 concerning an applicant for a position with such board, council or
157 operator (1) any information concerning the applicant's eligibility for
158 employment in a position with such board, council or operator
159 requiring a certificate, authorization or permit issued pursuant to
160 chapter 166, (2) whether the department has knowledge that the
161 applicant has been disciplined for a finding of abuse or neglect or
162 sexual misconduct, as defined in section 10-222c, as amended by this
163 act, and any information concerning such a finding, and (3) whether
164 the department has received notification that the applicant has been
165 convicted of a crime or of criminal charges pending against the
166 applicant and any information concerning such charges. The
167 provisions of this subsection shall not be construed to cause the
168 department to investigate any such request.

169 Sec. 2. Section 10-222c of the general statutes is repealed and the
170 following is substituted in lieu thereof (*Effective July 1, 2016*):

171 (a) No local or regional board of education, governing council of a
172 state or local charter school or interdistrict magnet school operator
173 shall offer employment to an applicant for a position, including any
174 position which is contracted for, if such applicant would have direct
175 student contact, prior to such board, council or operator:

176 (1) Requiring of such applicant:

177 (A) To list the name, address and telephone number of each current
178 or former employer of the applicant, if such current or former
179 employer was a local or regional board of education, council or

180 operator or if such employment otherwise caused the applicant to have
181 contact with children;

182 (B) A written authorization that (i) consents to and authorizes
183 disclosure by the employers listed under subparagraph (A) of this
184 subdivision of the information requested under subdivision (2) of this
185 subsection and the release of related records by such employers, (ii)
186 consents to and authorizes disclosure by the Department of Education
187 of the information requested under subdivision (3) of this subsection
188 and the release of related records by the department, and (iii) releases
189 those employers and the department from liability that may arise from
190 such disclosure or release of records pursuant to subdivision (2) or (3)
191 of this subsection; and

192 (C) A written statement of whether the applicant (i) has been the
193 subject of an abuse or neglect or sexual misconduct investigation by
194 any employer, state agency or municipal police department, unless the
195 investigation resulted in a finding that all allegations were
196 unsubstantiated, (ii) has ever been disciplined or asked to resign from
197 employment or resigned from or otherwise separated from any
198 employment while an allegation of abuse or neglect was pending or
199 under investigation by the Department of Children and Families, or an
200 allegation of sexual misconduct was pending or under investigation or
201 due to an allegation substantiated pursuant to section 17a-101g of
202 abuse or neglect, or of sexual misconduct or a conviction for abuse or
203 neglect or sexual misconduct, or (iii) has ever had a professional or
204 occupational license or certificate suspended or revoked or has ever
205 surrendered such a license or certificate while an allegation of abuse or
206 neglect was pending or under investigation by the department or an
207 investigation of sexual misconduct was pending or under
208 investigation, or due to an allegation substantiated by the department
209 of abuse or neglect or of sexual misconduct or a conviction for abuse or
210 neglect or sexual misconduct;

211 (2) Conducting a review of the employment history of the applicant
212 by contacting those employers listed by the applicant under

213 subdivision (1) of this subsection. Such review shall be conducted
214 using a form developed by the Department of Education in accordance
215 with section 3 of this act that shall request (A) the dates of employment
216 of the applicant, and (B) a statement as to whether the employer has
217 knowledge that the applicant (i) was the subject of an allegation of
218 abuse or neglect or sexual misconduct for which there is an
219 investigation pending with any employer, state agency or municipal
220 police department or which has been substantiated; (ii) was disciplined
221 or asked to resign from employment or resigned from or otherwise
222 separated from any employment while an allegation of abuse or
223 neglect or sexual misconduct was pending or under investigation, or
224 due to a substantiation of abuse or neglect or sexual misconduct; or
225 (iii) has ever had a professional or occupational license, certificate,
226 authorization or permit suspended or revoked or has ever surrendered
227 such a license, certificate, authorization or permit while an allegation
228 of abuse or neglect or sexual misconduct was pending or under
229 investigation, or due to a substantiation of abuse or neglect or sexual
230 misconduct. Such review may be conducted telephonically or through
231 written communication. Notwithstanding the provisions of subsection
232 (f) of section 31-51i, not later than five business days after any such
233 current or former employer of the applicant receives a request for such
234 information, such employer shall respond with such information. A
235 local or regional board of education, council or operator may request
236 more information concerning any response made by a current or
237 former employer, and, notwithstanding the provisions of said
238 subsection (f), such employer shall respond not later than five business
239 days after receiving such request; and

240 (3) Requesting information from the Department of Education
241 concerning (A) the eligibility status for employment of any applicant
242 for a position requiring a certificate, authorization or permit issued
243 pursuant to chapter 166, (B) whether the department has knowledge
244 that a finding has been substantiated by the Department of Children
245 and Families pursuant to section 17a-101g of abuse or neglect or of
246 sexual misconduct against the applicant and any information

247 concerning such a finding, and (C) whether the department has
248 received notification that the applicant has been convicted of a crime
249 or of criminal charges pending against the applicant and any
250 information concerning such charges.

251 (b) Notwithstanding the provisions of subsection (f) of section 31-
252 51i, any local or regional board of education or council or operator that
253 receives information that an applicant for a position with or an
254 employee of the board has been disciplined for a finding of abuse or
255 neglect or sexual misconduct shall notify the Department of Education
256 of such information.

257 (c) No local or regional board of education or council or operator
258 shall employ an applicant for a position involving direct student
259 contact who does not comply with the provisions of subdivision (1) of
260 subsection (a) of this section.

261 (d) A local or regional board of education or council or operator
262 may employ or contract with an applicant on a temporary basis for a
263 period not to exceed ninety days, pending such board's review of
264 information received under this section, provided:

265 (1) The applicant complied with subdivision (1) of subsection (a) of
266 this section;

267 (2) The board, council or operator has no knowledge of information
268 pertaining to the applicant that would disqualify the applicant from
269 employment with the board, council or operator; and

270 (3) The applicant affirms that the applicant is not disqualified from
271 employment with such board, council or operator.

272 (e) No local or regional board of education, council or operator shall
273 enter into a collective bargaining agreement, an employment contract,
274 an agreement for resignation or termination, a severance agreement or
275 any other contract or agreement or take any action that:

276 (1) Has the effect of suppressing information relating to an

277 investigation of a report of suspected abuse or neglect or sexual
278 misconduct by a current or former employee;

279 (2) Affects the ability of the local or regional board of education,
280 council or operator to report suspected abuse or neglect or sexual
281 misconduct to appropriate authorities; or

282 (3) Requires the local or regional board of education, council or
283 operator to expunge information about an allegation or a finding of
284 suspected abuse or neglect or sexual misconduct from any documents
285 maintained by the board, unless after investigation such allegation is
286 dismissed or found to be false.

287 (f) No local or regional board of education, council or operator shall
288 offer employment to a person as a substitute teacher, unless such
289 person and the board comply with the provisions of subsection (a) of
290 this section. The board shall determine which such persons are
291 employable as substitute teachers and maintain a list of such persons.
292 No board, council or operator shall hire any person as a substitute
293 teacher who is not on such list. Such person shall remain on such list as
294 long as such person is continuously employed by the board, council or
295 operator as a substitute teacher, as described in subsection (c) of
296 section 10-221d, as amended by this act, provided the board, council or
297 operator does not have any knowledge of a reason that such person
298 should be removed from such list.

299 (g) In the case of an applicant who is a contractor, the contractor
300 shall require any employee with such contractor who would be in a
301 position involving direct student contact to supply to such contractor
302 all information required of an applicant under subparagraphs (A) and
303 (C) of subdivision (1) of subsection (a) of this section and a written
304 authorization under subparagraph (B) of said subdivision. Such
305 contractor shall contact any current or former employer of such
306 employee that was a local or regional board of education, council or
307 operator or if such employment caused the employee to have contact
308 with children, and request, either telephonically or through written

309 communication, any information concerning whether there was a
310 finding of abuse or neglect or sexual misconduct against such
311 employee. Notwithstanding the provisions of subsection (f) of section
312 31-51i, such employer shall report to the contractor any such finding,
313 either telephonically or through written communication. If the
314 contractor receives any information indicating such a finding or
315 otherwise has knowledge of such a finding, the contractor shall,
316 notwithstanding the provisions of said subsection (f), immediately
317 forward such information to any local or regional board of education
318 with which the contractor is under contract, either telephonically or
319 through written communication. Any local or regional board of
320 education, council or operator that receives such information shall
321 determine whether such employee may work in a position involving
322 direct student contact at any school under the board's jurisdiction. No
323 determination by a local or regional board of education that any such
324 employee shall not work under any such contract in any such position
325 shall constitute a breach of such contract.

326 (h) Any applicant who knowingly provides false information or
327 knowingly fails to disclose information required in subdivision (1) of
328 subsection (a) of this section shall be subject to discipline by the
329 employing local or regional board of education, council or operator
330 that may include (1) denial of employment, or (2) termination of the
331 contract of a certified employee, in accordance with the provisions of
332 section 10-151.

333 (i) Any employer who provides information in accordance with
334 subdivision (2) of subsection (a) of this section or subsection (g) of this
335 section and the Department of Education for the provision of
336 information requested in accordance with subdivision (3) of said
337 subsection (a) shall be immune from criminal and civil liability,
338 provided the employer or department did not knowingly supply false
339 information.

340 (j) Notwithstanding the provisions of section 10-151c and subsection
341 (f) of section 31-51i, a local or regional board of education, council or

342 operator shall provide upon request by any other local or regional
343 board of education, council or operator for the purposes of an inquiry
344 pursuant to subdivision (2) of subsection (a) of this section or
345 subsection (g) of this section or to the Commissioner of Education
346 pursuant to subsection (b) of this section any information that the
347 board, council or operator has concerning a finding of abuse or neglect
348 or sexual misconduct by a subject of any such inquiry.

349 (k) For purposes of this section and section 10-221d, as amended by
350 this act, (1) "sexual misconduct" means any verbal, nonverbal, written
351 or electronic communication, or any other act directed toward or with
352 a student that is designed to establish a sexual relationship with the
353 student, including a sexual invitation, dating or soliciting a date,
354 engaging in sexual dialog, making sexually suggestive comments, self-
355 disclosure or physical exposure of a sexual or erotic nature and any
356 other sexual, indecent or erotic contact with a student; and (2) "abuse
357 or neglect" means abuse or neglect as described in section 46b-120, and
358 includes any violation of section 53a-70, 53a-70a, 53a-71, 53a-72a, 53a-
359 72b or 53a-73a.

360 (l) Prior to [hiring any person] offering employment to an applicant,
361 a local or regional board of education, council or operator shall make a
362 documented good faith effort to contact [previous employers] each
363 current and any former employer that was a local or regional board of
364 education, council or operator or if such employment otherwise caused
365 the applicant to have contact with children of the [person] applicant in
366 order to obtain information and recommendations which may be
367 relevant to the [person's] applicant's fitness for employment, provided
368 such effort shall not be construed to require more than three telephonic
369 requests made on three separate days.

370 (m) No local or regional board of education shall offer employment
371 to any applicant who had any previous employment contract
372 terminated by a board, council or operator or who resigned from such
373 employment, if such person has been convicted of a violation of
374 section 17a-101a, when an allegation of abuse or neglect or sexual

375 assault has been substantiated.

376 Sec. 3. (*Effective from passage*) Not later than June 30, 2016, the
377 Department of Education shall make available to local and regional
378 boards of education, councils and operators a standardized form of
379 questions to be directed to an employer to provide information
380 pursuant to subdivision (2) of subsection (a) of section 10-222c of the
381 general statutes, as amended by this act, or subsection (g) of said
382 section to a local or regional board of education, council or operator
383 requesting such information.

384 Sec. 4. Subsection (a) of section 10-145 of the 2016 supplement to the
385 general statutes is repealed and the following is substituted in lieu
386 thereof (*Effective July 1, 2016*):

387 (a) No teacher, supervisor, administrator, special service staff
388 member or school superintendent, except as provided for in section 10-
389 157, shall be employed in any of the schools of any local or regional
390 board of education unless such person possesses an appropriate state
391 certificate, nor shall any such person be entitled to any salary unless
392 such person can produce such certificate dated prior to or on the first
393 day of employment, except as provided for in section 10-157; provided
394 nothing in this subsection shall be construed to prevent the board of
395 education from prescribing qualifications additional to those
396 prescribed by the regulations of the State Board of Education and
397 provided nothing in this subsection shall be construed to prevent any
398 local or regional board of education from contracting with a licensed
399 drivers' school approved by the Commissioner of Motor Vehicles for
400 the behind-the-wheel instruction of a driver instruction course, to be
401 given by driving instructors licensed by the Department of Motor
402 Vehicles. No person shall be employed in any of the schools of any
403 local or regional board of education as a substitute teacher unless such
404 person (1) holds a bachelor's degree, provided the Commissioner of
405 Education may waive such requirement for good cause upon the
406 request of a superintendent of schools, and (2) is on a list maintained
407 by the local or regional board of education pursuant to subsection (f) of

408 section 10-222c, as amended by this act.

409 Sec. 5. Section 10-66rr of the 2016 supplement to the general statutes
410 is repealed and the following is substituted in lieu thereof (*Effective July*
411 *1, 2016*):

412 [(a)] On and after July 1, 2015, the State Board of Education shall
413 require members of the governing council of a state or local charter
414 school and members of a charter management organization to submit
415 to a records check of the Department of Children and Families child
416 abuse and neglect registry, established pursuant to section 17a-101k,
417 and to state and national criminal history records checks before the
418 state board grants initial certificates of approval for charters pursuant
419 to section 10-66bb, or before such members may be hired by the
420 governing council of a state or local charter school or charter
421 management organization. The criminal history records checks
422 required under this subsection shall be conducted in accordance with
423 section 29-17a.

424 [(b) On and after July 1, 2015, the] The governing council of a state
425 or local charter school shall require each [applicant for a position in a
426 state or local charter school and each] contractor doing business with a
427 state or local charter school, who performs a service involving direct
428 student contact, to submit to a records check of the Department of
429 Children and Families child abuse and neglect registry, established
430 pursuant to section 17a-101k, and to state and national criminal history
431 records checks before such applicant may be hired or such contractor
432 begins to perform such service. The criminal history records checks
433 required under this subsection shall be conducted in accordance with
434 section 29-17a.

435 Sec. 6. Section 53a-61aa of the general statutes is repealed and the
436 following is substituted in lieu thereof (*Effective October 1, 2016*):

437 (a) A person is guilty of threatening in the first degree when such
438 person (1) (A) threatens to commit any crime involving the use of a
439 hazardous substance with the intent to terrorize another person, to

440 cause evacuation of a building, place of assembly or facility of public
441 transportation or otherwise to cause serious public inconvenience, or
442 (B) threatens to commit such crime in reckless disregard of the risk of
443 causing such terror, evacuation or inconvenience; (2) (A) threatens to
444 commit any crime of violence with the intent to cause evacuation of a
445 building, place of assembly or facility of public transportation or
446 otherwise to cause serious public inconvenience, or (B) threatens to
447 commit such crime in reckless disregard of the risk of causing such
448 evacuation or inconvenience; [or] (3) commits threatening in the
449 second degree as provided in section 53a-62, as amended by this act,
450 and in the commission of such offense [he] such person uses or is
451 armed with and threatens the use of or displays or represents by [his]
452 such person's words or conduct that [he] such person possesses a
453 pistol, revolver, shotgun, rifle, machine gun or other firearm; or (4)
454 violates subdivision (1) or (2) of this subsection with the intent to cause
455 an evacuation of a building or the grounds of a public or nonpublic
456 preschool, school or institution of higher education during preschool,
457 school or instructional hours or when a building or the grounds of
458 such preschool, school or institution are being used for preschool,
459 school or institution-sponsored activities. No person shall be found
460 guilty of threatening in the first degree under subdivision (3) of this
461 subsection and threatening in the second degree upon the same
462 transaction but such person may be charged and prosecuted for both
463 such offenses upon the same information.

464 (b) For the purposes of this section, "hazardous substance" means
465 any physical, chemical, biological or radiological substance or matter
466 which, because of its quantity, concentration or physical, chemical or
467 infectious characteristics, may cause or significantly contribute to an
468 increase in mortality or an increase in serious irreversible or
469 incapacitating reversible illness, or pose a substantial present or
470 potential hazard to human health.

471 (c) Threatening in the first degree is a class D felony, except that a
472 violation of subdivision (4) of subsection (a) of this section is a class C
473 felony.

474 Sec. 7. Section 53a-62 of the general statutes is repealed and the
475 following is substituted in lieu thereof (*Effective October 1, 2016*):

476 (a) A person is guilty of threatening in the second degree when: (1)
477 By physical threat, such person intentionally places or attempts to
478 place another person in fear of imminent serious physical injury, (2)
479 (A) such person threatens to commit any crime of violence with the
480 intent to terrorize another person, or [(3)] (B) such person threatens to
481 commit such crime of violence in reckless disregard of the risk of
482 causing such terror, or (3) violates subdivision (1) or (2) of this
483 subsection and the person threatened is in a building or on the
484 grounds of a public or nonpublic preschool, school or institution of
485 higher education during preschool, school or instructional hours or
486 when a building or the grounds of such preschool, school or institution
487 are being used for preschool, school or institution-sponsored activities.

488 (b) Threatening in the second degree is a class A misdemeanor,
489 except that a violation of subdivision (3) of subsection (a) of this
490 section is a class D felony.

491 Sec. 8. (NEW) (*Effective October 1, 2016*) The Board of Pardons and
492 Paroles shall grant an absolute pardon to any person who applies for
493 such pardon with respect to a conviction of a violation of subdivision
494 (4) of subsection (a) of section 53a-61aa of the general statutes, as
495 amended by this act, or subdivision (3) of subsection (a) of section 53a-
496 62 of the general statutes, as amended by this act, if (1) such person
497 committed such offense prior to attaining the age of eighteen years, (2)
498 at least three years have elapsed from the date of such conviction or
499 such person's discharge from the supervision of the court or the care of
500 any institution or agency to which such person has been committed by
501 the court, whichever is later, (3) such person has no subsequent
502 juvenile proceeding or adult criminal proceeding that is pending, (4)
503 such person has attained the age of eighteen years, and (5) such person
504 has not been convicted as an adult of a felony or misdemeanor during
505 the three-year period specified in subdivision (2) of this section.

506 Sec. 9. (NEW) (*Effective October 1, 2016*) Any individual who reports
507 an act of threatening described in subdivision (4) of subsection (a) of
508 section 53a-61aa of the general statutes, as amended by this act, shall
509 have an absolute defense to any civil action brought as a result of
510 having made such report, provided such individual exercised due care
511 when making such report and at all times acted in good faith while
512 making such report.

513 Sec. 10. Subsection (a) of section 47a-26h of the general statutes is
514 repealed and the following is substituted in lieu thereof (*Effective*
515 *October 1, 2016*):

516 (a) A summary process judgment shall bind (1) the named
517 defendants and any minors holding under them; (2) any occupant who
518 first commenced occupancy of the premises after service of the notice
519 to quit upon which the summary process action was based, unless
520 such occupancy was commenced or continued with the consent of the
521 plaintiff or under a right to occupy equal or superior to the rights of
522 the plaintiff; (3) if the plaintiff has properly named and served each
523 occupant whose presence is known with a notice to quit and a writ,
524 summons and complaint in accordance with the provisions of sections
525 47a-23 and 47a-23a, any occupant who first commenced occupancy of
526 the premises prior to service of the notice to quit and (A) who the
527 plaintiff and his agents did not know was in occupancy of the
528 premises, or (B) of whose presence the plaintiff or his agent knew but
529 whose name they did not know. If a minor, who is or will be bound by
530 a summary process judgment under subdivision (1) of this subsection,
531 is named in a summary process complaint, the court, upon motion of
532 any party or upon its own motion, may order the name of such minor
533 to be stricken from the record of the action and the clerk shall remove
534 or arrange for the removal of such minor's name from the record of the
535 case maintained on the Internet web site of the Judicial Branch.

536 Sec. 11. Section 10-221w of the 2016 supplement to the general
537 statutes is repealed. (*Effective July 1, 2016*)"

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2016</i>	10-221d
Sec. 2	<i>July 1, 2016</i>	10-222c
Sec. 3	<i>from passage</i>	New section
Sec. 4	<i>July 1, 2016</i>	10-145(a)
Sec. 5	<i>July 1, 2016</i>	10-66rr
Sec. 6	<i>October 1, 2016</i>	53a-61aa
Sec. 7	<i>October 1, 2016</i>	53a-62
Sec. 8	<i>October 1, 2016</i>	New section
Sec. 9	<i>October 1, 2016</i>	New section
Sec. 10	<i>October 1, 2016</i>	47a-26h(a)
Sec. 11	<i>July 1, 2016</i>	Repealer section