



General Assembly

**Amendment**

February Session, 2016

LCO No. 5439



Offered by:

REP. TONG, 147<sup>th</sup> Dist.  
REP. CURREY, 11<sup>th</sup> Dist.  
REP. SIMMONS, 144<sup>th</sup> 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 Section 10-221d of the general statutes is repealed and the  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 make available to any local or  
152 regional board of education, governing council of a state or local  
153 charter school or interdistrict magnet school operator requesting  
154 information concerning an applicant for a position with such board,  
155 council or operator (1) any information concerning the applicant's  
156 eligibility for employment in a position with such board, council or  
157 operator requiring a certificate, authorization or permit issued  
158 pursuant to chapter 166, (2) whether the department has knowledge  
159 that the applicant has been disciplined for a finding of abuse or neglect  
160 or sexual misconduct, as defined in section 10-222c, as amended by  
161 this act, and any information concerning such a finding, and (3)  
162 whether the department has received notification that the applicant  
163 has been convicted of a crime or of criminal charges pending against  
164 the applicant and any information concerning such charges.

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 Section 10-222c of the general statutes is repealed and the  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

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

172 (1) Requiring of such applicant:

173 (A) To list the name, address and telephone number of each current  
174 or former employer of the applicant, if such current or former  
175 employer was a local or regional board of education, council or  
176 operator or if such employment otherwise caused the applicant to have  
177 contact with children;

178 (B) A written authorization that (i) consents to and authorizes

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

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

207 (2) Conducting a review of the employment history of the applicant  
208 by contacting those employers listed by the applicant under  
209 subdivision (1) of this subsection. Such review shall be conducted  
210 using a form developed by the Department of Education in accordance  
211 with section 3 of this act that shall request (A) the dates of employment  
212 of the applicant, and (B) a statement as to whether the employer has

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

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



247 (b) Notwithstanding the provisions of subsection (f) of section 31-  
248 51i, any local or regional board of education or council or operator that  
249 receives information that an applicant for a position with or an  
250 employee of the board has been disciplined for a finding of abuse or  
251 neglect or sexual misconduct shall notify the Department of Education  
252 of such information.

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

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

261 (1) The applicant complied with subdivision (1) of subsection (a) of  
262 this section;

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

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

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

272 (1) Has the effect of suppressing information relating to an  
273 investigation of a report of suspected abuse or neglect or sexual  
274 misconduct by a current or former employee;

275 (2) Affects the ability of the local or regional board of education,  
276 council or operator to report suspected abuse or neglect or sexual

277 misconduct to appropriate authorities; or

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

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

295 (g) In the case of an applicant who is a contractor, the contractor  
296 shall require any employee with such contractor who would be in a  
297 position involving direct student contact to supply to such contractor  
298 all information required of an applicant under subparagraphs (A) and  
299 (C) of subdivision (1) of subsection (a) of this section and a written  
300 authorization under subparagraph (B) of said subdivision. Such  
301 contractor shall contact any current or former employer of such  
302 employee that was a local or regional board of education, council or  
303 operator or if such employment caused the employee to have contact  
304 with children, and request, either telephonically or through written  
305 communication, any information concerning whether there was a  
306 finding of abuse or neglect or sexual misconduct against such  
307 employee. Notwithstanding the provisions of subsection (f) of section  
308 31-51i, such employer shall report to the contractor any such finding,  
309 either telephonically or through written communication. If the

310 contractor receives any information indicating such a finding or  
311 otherwise has knowledge of such a finding, the contractor shall,  
312 notwithstanding the provisions of said subsection (f), immediately  
313 forward such information to any local or regional board of education  
314 with which the contractor is under contract, either telephonically or  
315 through written communication. Any local or regional board of  
316 education, council or operator that receives such information shall  
317 determine whether such employee may work in a position involving  
318 direct student contact at any school under the board's jurisdiction. No  
319 determination by a local or regional board of education that any such  
320 employee shall not work under any such contract in any such position  
321 shall constitute a breach of such contract.

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

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

336 (j) Notwithstanding the provisions of section 10-151c and subsection  
337 (f) of section 31-51i, a local or regional board of education, council or  
338 operator shall provide upon request by any other local or regional  
339 board of education, council or operator for the purposes of an inquiry  
340 pursuant to subdivision (2) of subsection (a) of this section or  
341 subsection (g) of this section or to the Commissioner of Education  
342 pursuant to subsection (b) of this section any information that the

343 board, council or operator has concerning a finding of abuse or neglect  
344 or sexual misconduct by a subject of any such inquiry.

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

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

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

372 *Sec. 3. (Effective from passage)* Not later than June 30, 2016, the  
373 Department of Education shall make available to local and regional  
374 boards of education, councils and operators a standardized form of

375 questions to be directed to an employer to provide information  
376 pursuant to subdivision (2) of subsection (a) of section 10-222c of the  
377 general statutes, as amended by this act, or subsection (g) of said  
378 section to a local or regional board of education, council or operator  
379 requesting such information.

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

383 (a) No teacher, supervisor, administrator, special service staff  
384 member or school superintendent, except as provided for in section 10-  
385 157, shall be employed in any of the schools of any local or regional  
386 board of education unless such person possesses an appropriate state  
387 certificate, nor shall any such person be entitled to any salary unless  
388 such person can produce such certificate dated prior to or on the first  
389 day of employment, except as provided for in section 10-157; provided  
390 nothing in this subsection shall be construed to prevent the board of  
391 education from prescribing qualifications additional to those  
392 prescribed by the regulations of the State Board of Education and  
393 provided nothing in this subsection shall be construed to prevent any  
394 local or regional board of education from contracting with a licensed  
395 drivers' school approved by the Commissioner of Motor Vehicles for  
396 the behind-the-wheel instruction of a driver instruction course, to be  
397 given by driving instructors licensed by the Department of Motor  
398 Vehicles. No person shall be employed in any of the schools of any  
399 local or regional board of education as a substitute teacher unless such  
400 person (1) holds a bachelor's degree, provided the Commissioner of  
401 Education may waive such requirement for good cause upon the  
402 request of a superintendent of schools, and (2) is on a list maintained  
403 by the local or regional board of education pursuant to subsection (f) of  
404 section 10-222c, as amended by this act.

405 Sec. 5. Section 10-66rr of the 2016 supplement to the general statutes  
406 is repealed and the following is substituted in lieu thereof (*Effective July*  
407 *1, 2016*):

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

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

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

433 (a) A person is guilty of threatening in the first degree when such  
434 person (1) (A) threatens to commit any crime involving the use of a  
435 hazardous substance with the intent to terrorize another person, to  
436 cause evacuation of a building, place of assembly or facility of public  
437 transportation or otherwise to cause serious public inconvenience, or  
438 (B) threatens to commit such crime in reckless disregard of the risk of  
439 causing such terror, evacuation or inconvenience; (2) (A) threatens to  
440 commit any crime of violence with the intent to cause evacuation of a

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

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

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

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

472 (a) A person is guilty of threatening in the second degree when: (1)

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

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

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

502 Sec. 9. (NEW) (*Effective October 1, 2016*) Any individual who reports  
503 an act of threatening described in subdivision (4) of subsection (a) of  
504 section 53a-61aa of the general statutes, as amended by this act, shall  
505 have an absolute defense to any civil action brought as a result of



506 having made such report, provided such individual exercised due care  
507 when making such report and at all times acted in good faith while  
508 making such report.

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

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

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

This act shall take effect as follows and shall amend the following sections:		
Section 1	July 1, 2016	10-221d
Sec. 2	July 1, 2016	10-222c

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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