



Acts Affecting Crime and Public Safety

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July 18, 2017 | 2017-R-0133

Notice to Readers

This report provides brief highlights of new laws (Public Acts and Special Acts) affecting crime and public safety enacted during the 2017 regular legislative session. Each entry indicates the public act (PA) or special act (SA) number. We do not include vetoed public acts, unless the legislature overrode the governor's veto.

Not all provisions of the acts are included here. Complete summaries of all 2017 public acts will be available when OLR publishes its Public Act Summary book; many are already on OLR's website (www.cga.ct.gov/olr/OLRPASums.asp).

Readers are encouraged to obtain the full text of acts that interest them from the Connecticut State Library, House Clerk's Office, or General Assembly's website (www.cga.ct.gov/).

Table on Penalties

The law authorizes courts to impose imprisonment, fines, or both when sentencing a convicted criminal. Table 1 displays the range of prison terms and fines that judges may impose for each classification of crime. Some crimes have a mandatory minimum sentence not specified in the table. Also, repeated or persistent offenders may face higher sentences than specified here.

Table 1: Crime Classifications and their Penalties

<i>Felony or Misdemeanor</i>	<i>Prison Term</i>	<i>Fine</i>
Class A felony—murder with special circumstances	Life without the possibility of release	Up to \$20,000
Class A felony—murder	25 to 60 years	Up to \$20,000
Class A felony—aggravated sexual assault of a minor	25 to 50 years	Up to \$20,000
Class A felony	10 to 25 years	Up to \$20,000
Class B felony—1 st degree manslaughter with a firearm	5 to 40 years	Up to \$15,000
Class B felony	1 to 20 years	Up to \$15,000
Class C felony	1 to 10 years	Up to \$10,000
Class D felony	Up to 5 years	Up to \$5,000
Class E felony	Up to 3 years	Up to \$3,500
Class A misdemeanor	Up to 1 year	Up to \$2,000
Class B misdemeanor	Up to 6 months	Up to \$1,000
Class C misdemeanor	Up to 3 months	Up to \$500
Class D misdemeanor	Up to 30 days	Up to \$250

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Crimes and Penalties

Aggravated Sexual Assault of a Minor

A new law clarifies that the maximum prison term for a first conviction of aggravated sexual assault of a minor is 50 years ([PA 17-216](#) (§ 2), effective October 1, 2017).

Assault of a Health Care Employee

Under existing law, there is a specific crime of assault of a health care employee. A defendant may claim as a defense that he or she has a mental, physical, or intellectual disability and the conduct was a clear and direct manifestation of the disability.

A new law makes two changes to this defense. First, it provides that the defense is an affirmative defense (and thus, a defendant has the burden to establish the defense by a preponderance of the evidence). Second, the act provides that an abnormality manifested only by repeated criminal or antisocial conduct is not a qualifying mental disability for purposes of this defense ([PA 17-216](#) (§ 3), effective October 1, 2017).

Commission Sales Stables

The legislature revised the law governing the places where livestock animals are sold at private auction (i.e., "commission sales stables"). The new law establishes requirements for (1) identifying animals offered at auction for dairy or breeding purposes and (2) how soon after animals sold at auction must be slaughtered. A violation of either of the requirements is a class D misdemeanor ([PA 17-133](#), effective October 1, 2017).

Computer Extortion by Ransomware

A new law creates a specific class E felony offense for computer extortion involving ransomware. The punishable actions include introducing ransomware into a computer, computer system, or computer network and demanding payment to (1) remove the ransomware; (2) restore access to the computer, system, or network or data contained therein; or (3) otherwise remediate the ransomware's impact. Individuals who commit this crime may also be charged with certain other crimes under existing law ([PA 17-223](#), effective October 1, 2017).

Debit Card Fraud

A new law expands credit card crimes to cover the same conduct involving debit cards. It also changes how notice of a card's revocation must be sent for purposes of these crimes and expands certain credit card crimes to cover falsely loading payment cards (i.e., credit or debit cards) into

digital wallets. Under the new law, a digital wallet is a software application to store digital forms of payment cards that can be used to obtain money, goods, services, or anything of value ([PA 17-26](#) (§§ 1-6), effective October 1, 2017).

Desecrating an Abandoned Cemetery

A new law expands the crime of interference with a cemetery or burial ground to include desecrating an abandoned cemetery. It applies to abandoned cemeteries the same actions that constitute interference with a cemetery or burial ground under existing law, such as intentionally destroying or removing all or part of a tomb, monument, gravestone, or other structure placed or designed for a memorial.

Under existing law, interference with a cemetery or burial ground is a class C felony, and there is a minimum \$500 fine ([PA 17-49](#), effective October 1, 2017).

Filing False Records

A new law (1) makes it a crime, punishable as a class D felony, to file a false record on a municipal land record or under the Uniform Commercial Code and (2) gives victims a cause of action to petition the court to have such a record invalidated ([PA 17-99](#) (§§ 46-49), effective January 1, 2018).

Gross Earnings Tax that Funds PEGPETIA

Existing law imposes a 0.25% tax on the gross earnings of cable-TV, satellite-TV, and certified video service providers to fund the “public, educational, and governmental programming and education technology investment account” (PEGPETIA). A new law makes these taxpayers who violate the law liable for the following penalties:

1. for willfully failing to pay the tax, file returns, keep required records, or supply required information regarding the tax, a fine of up to \$1,000, imprisonment for up to one year, or both, in addition to any other penalties existing law imposes or
2. for willfully delivering or disclosing to the commissioner or his authorized agent any list, return, account, statement, or other document known to be fraudulent or false, a class D felony.

The same penalties apply to certain other taxes under existing law ([PA 17-147](#) (§ 40), effective upon passage).

Harassment of a Guide or Assistance Dog or Handler

Under a new law, it is a class C misdemeanor to intentionally interfere with a blind, deaf, or mobility impaired person's use of a guide or assistance dog. The punishable actions include intentionally harassing or annoying (1) such a person; (2) a guide or assistance dog that accompanies such person; or (3) someone training a dog as a guide or assistance dog ([PA 17-102](#), effective October 1, 2017).

Hate Crimes

A new law makes several changes to the hate crime statutes. Among its changes, the act (1) imposes minimum fines for certain hate crimes, including deprivation of rights; desecration of property; cross burning; and 1st, 2nd, and 3rd degree intimidation based on bigotry or bias; (2) allows the court to cancel or reduce the minimum fines if the court states on the record its reasons for doing so; (3) enhances the penalty for desecration of a house of religious worship; (4) increases the penalty for 1st and 2nd degree threatening when the threat affects a house of worship, religiously-affiliated community center, or day care center; and (5) increases the penalty for 3rd degree intimidation based on bigotry or bias ([PA 17-111](#), effective October 1, 2017).

Intimidating a Witness

A new law increases, from a class C felony to a class B felony, the penalty for intimidating a witness ([PA 17-24](#), effective October 1, 2017).

Larceny of a Conserved Person

By law, there are six degrees of larceny. The penalties vary from a class C misdemeanor to a class B felony, generally based on the value of the property illegally taken. Under a new law, it is 2nd degree larceny (a class C felony) to take property, regardless of its value, by embezzlement, false pretenses, or false promise from a conserved person (i.e., someone for whom a probate court has appointed a conservator of the estate or conservator of the person) ([PA 17-87](#) (§ 5), effective October 1, 2017).

Larceny Related to Sales Tax

Under a new law, taxpayers that must remit the sales tax on a weekly basis face criminal penalties if they fail to comply with certain procedural requirements. These taxpayers must remit the tax through a certified service provider, unless they choose to do so by establishing a separate account in a financial institution exclusively for remitting the tax. Those that choose this method may

withdraw funds from the account only to remit the tax. Those that withdraw funds for any other purpose without the revenue services commissioner's approval are guilty of larceny ([PA 17-147](#) (§ 4), effective January 1, 2018).

Larceny to Collect Rent on Foreclosed Property

A new law makes it a form of larceny for a previous mortgagor of real property against whom a final foreclosure judgment has been entered to continue to collect rent after the final judgment if he or she has no right to do so ([PA 17-26](#) (§ 7), effective October 1, 2017).

Model Food Code

A new law requires the Department of Public Health (DPH), by July 1, 2018, to adopt and administer the federal Food and Drug Administration's Food Code as the state's food code for regulating food establishments. Under prior law, DPH regulated these establishments under the Public Health Code.

Similar to existing DPH regulations, the new law requires local health directors to investigate and take action to control a suspected food borne illness or outbreak. A person who violates the law or provides false information during an investigation or otherwise impedes an investigation is guilty of a class C misdemeanor ([PA 17-93](#), effective October 1, 2017).

Municipal Property

A new law applies to municipal property various existing prohibitions on unauthorized posting of notices or distributing or discarding of advertisements and certain other materials. For certain such activities (such as affixing to trees, rocks, or natural objects a paper or advertisement other than a legally posted notice), a subsequent offense is punishable as a class C misdemeanor ([PA 17-117](#), effective upon passage).

Racketeering

A new law extends the definition of "racketeering activity" under the Corrupt Organization Racketeering Act (CORA) to include violations of certain tobacco-products related crimes (e.g., transporting for sale, selling, or offering for sale untaxed tobacco products that should be taxed at \$2,500 or more). In doing so, it subjects a person or entity that engages in a pattern of these violations to prosecution under CORA ([PA 17-147](#) (§ 41), effective July 1, 2017).

“Sexting”

The legislature removed the lower age limit to the law concerning certain acts of possessing or transmitting child pornography by a minor (“sexting”) so that individuals under age 13 who commit these acts are subject to misdemeanor, rather than felony, charges. Under prior law, such acts were class A misdemeanors if the sender was the subject of the depiction and age 13 through 15 and the recipient was age 13 through 17. Individuals who did not fall within these age ranges were subject to felony charges for such acts and, if convicted, could have to register on the sex offender registry.

Under the new law, this crime is a class A misdemeanor if the recipient is under age 18 and sender is (1) under age 16 and (2) the subject of the depiction ([PA 17-25](#), effective October 1, 2017).

“Swatting”

A new law expands the crime of falsely reporting an incident in the first degree, a class D felony, to include making such a report with the intent to cause a large scale emergency response (“swatting”). Under this legislation, the court may order individuals convicted of swatting to make financial restitution to the state and local departments and agencies that provided the emergency response ([PA 17-72](#), effective October 1, 2017).

Transportation Network Companies (TNCs)

A new law creates a new regulatory structure for TNCs (e.g., Uber and Lyft), requiring, among other things, potential TNC drivers to meet certain criteria before a TNC may approve them. The new law makes it a class B misdemeanor to hold oneself out to be a TNC driver without being approved by a TNC ([PA 17-140](#) (§ 4), effective January 1, 2018).

Domestic Violence and Child Abuse

Child Abuse and Neglect Proceedings

A new law requires the Department of Children and Families (DCF) commissioner to establish protocols for investigating and responding to reports of abuse or neglect of children from birth to age three. It also broadens the circumstances in which DCF must perform certain investigations related to child abuse and neglect proceedings. Under existing law, in advance of certain preliminary hearings related to child abuse or neglect allegations, the child’s parent or guardian may request DCF to investigate placing the child or youth with a relative as a licensed foster parent or temporary custodian. The new law requires DCF to investigate any such relative before the preliminary hearing, rather than requiring it to do so only when practicable ([PA 17-92](#), effective July 1, 2017).

(For information on other acts affecting child abuse proceedings, see OLR's Acts Affecting Children report, [2017-R-0126](#).)

Domestic Violence

A new law makes various changes in laws concerning crimes against an individual. It (1) expands the conduct that constitutes stalking to include conduct that causes a reasonable person to suffer "emotional distress;" (2) specifies that electronic or social media are among the methods, devices, or means by which conduct that constitutes 1st or 2nd degree stalking may occur; and (3) broadens the strangulation statutes to include suffocation when a person obstructs another person's nose or mouth.

The new law increases the penalty for violations of release conditions, from a class D felony to a class C felony, if the violation involves (1) restraining another person or the person's liberty or (2) threatening, harassing, assaulting, molesting, sexually assaulting, or attacking the other person. It also requires a presentence investigation for anyone convicted of a family violence felony and prohibits such a defendant from waiving the investigation ([PA 17-31](#), effective October 1, 2017).

Human Trafficking and Prostitution

A new law expands the conduct punishable as trafficking in persons and increases the penalty for the crime from a class B felony to class A felony. It also reduces, from a class C felony to a class A misdemeanor, the penalty for patronizing a prostitute when the victim is a trafficking victim. It repeals the higher penalties under the patronizing a prostitute statute for conduct that involves a minor but imposes stricter penalties under a new crime the act creates, "commercial sexual abuse of a minor." Under the new law, commercial sexual abuse of a minor is a (1) class B felony if the victim is age 15, 16, or 17 and (2) class A felony if the victim is under age 15.

Among other things, the new law also requires the attorney general to develop and report on a proposed certification for inclusion in state contracts to conform, to the extent legally feasible, with the provisions of the federal Executive Order 13627, Strengthening Protections Against Trafficking in Persons in Federal Contracts ([PA 17-32](#), effective October 1, 2017).

Law Enforcement

Autism Spectrum Disorder Training for Police

A new law requires police officers to receive training in techniques for handling incidents, such as wandering, that involve juveniles with autism spectrum disorder or nonverbal learning disorder. The requirement applies only if the curriculum for such techniques is available at no cost to the Division

of State Police from (1) higher education institutions, health care professionals, or advocacy organizations concerned with juveniles who have these disorders or (2) a collaboration of such institutions, professionals, or organizations ([PA 17-166](#), effective October 1, 2017).

Body Cameras

A new law expands a grant program administered by the Office of Policy and Management (OPM) that reimburses municipalities for, among other things, purchasing body cameras for use by police officers. Generally, it (1) expands the types of equipment and law enforcement personnel eligible for the program to include electronic defense weapon recording equipment and first time purchases of dashboard cameras and (2) extends the program by one year, to FY 19. Under the new law, however, the reimbursement is provided within available resources.

With respect to municipal police departments that use body cameras, existing law requires their use when interacting with the public in a law enforcement capacity, with certain exceptions (e.g., encounters with undercover officers or informants). A new law additionally requires that they be used in accordance with the police department's policy for using body cameras, if it is adopted in accordance with guidelines issued by the Department of Emergency Services and Public Protection (DESPP) commissioner and Police Officer Standards and Training Council (POST).

Lastly, the legislature established a 26-member task force to examine the use of body cameras by state and municipal police. It must report its findings and recommendations to the Judiciary and Public Safety committees by February 1, 2018 ([PA 17-225](#), effective upon passage for the grant program and task force provisions and October 1, 2017 for the policy provision).

Compelled Disclosure of Cell Phone and Internet Records

By law, a law enforcement official can apply for an ex parte court order to compel phone and internet providers to disclose certain information about their customers' accounts or activities for use in criminal investigations. A new law changes certain procedures after these orders are issued, such as requiring that the return the official must file with the court and inventory of the information received in response to the court order remain sealed until the official files a specified notice with the court ([PA 17-216](#) (§ 4), effective October 1, 2017).

Eyewitness Identification and Emerging Technologies Task Force

A new law reconstitutes the Eyewitness Identification Task Force and expands its scope to include the use of emerging technologies in law enforcement. The act requires the task force to (1) assist POST and the State Police in developing policies and guidelines for law enforcement agencies on

specified matters and (2) report its findings and recommendations to the Judiciary Committee as the task force deems appropriate ([PA 17-87](#) (§ 8), effective upon passage).

Indemnification

A new law expands the types of law enforcement officers entitled to indemnification from their employers if they are prosecuted for a crime allegedly committed in the course of duty and are found not guilty or have the charges dismissed to include, among others, Division of Criminal Justice inspectors and Mashantucket Pequot and Mohegan tribes' police officers ([PA 17-87](#) (§ 3), effective October 1, 2017).

Notification of Certain Job Applicants

A new law requires law enforcement units to inform POST if they know that a former police officer is applying for a police job after the officer (1) was dismissed for malfeasance or serious misconduct that calls into question his or her fitness to serve, or (2) retired or resigned during an investigation of the same ([PA 17-180](#), effective October 1, 2017).

Prescription Drug Disposal

Many municipal police departments have drop boxes to collect unused prescription drugs. A new law requires the consumer protection commissioner to adopt regulations allowing a certain number of licensed pharmacies to also accept and dispose of unused prescription drugs. It specifically requires the regulations to allow for disposal agreements with law enforcement authorities ([PA 17-109](#), effective upon passage).

Reporting on Efforts to Combat Human Trafficking

Starting October 1, 2017, a new law requires the Chief State's Attorney's Office and each municipal police chief to annually report on efforts to combat human trafficking to the Trafficking in Persons Council, rather than requiring each state's attorney and police chief to report this information to the Children's and Judiciary committees as under prior law ([PA 17-129](#), effective October 1, 2017).

Surveillance Using Cell Site Simulators

A new law sets standards for law enforcement when conducting surveillance using a "cell site simulator device" (generally, a device that uses radio waves for purposes such as tracking a cell phone's movements or intercepting its communications). The act allows law enforcement officials to install and use such devices to obtain geo-location data for up to (1) two weeks under an ex parte court order issued under a probable cause standard or (2) 48 hours without a court order in exigent circumstances.

The act also specifies that the wiretapping and electronic surveillance law applies to interceptions of wire communications using cell site simulator devices ([PA 17-221](#), effective October 1, 2017).

Tribal Police Departments and Mutual Aid Agreements

Under a new law, the Mohegan Tribe and Mashantucket Pequot Tribe may enter into police mutual aid agreements with municipalities on the same terms and conditions as municipalities already may with one another under existing law. The authorization is valid as long as the tribal-state memoranda establishing the authority of the tribal police departments remain in effect ([PA 17-4](#), effective October 1, 2017).

Working Group on Municipal Police Referrals to Substance Abuse Treatment Programs

A new law requires the state's Alcohol and Drug Policy Council to convene a working group to study municipal police departments' substance abuse treatment referral programs. These programs refer people with an opioid use disorder or who are seeking recovery from drug addiction to treatment facilities. The study must identify any barriers these programs face as well as the feasibility of implementing them statewide. The council must report the working group's findings to the Public Health and Public Safety committees by February 1, 2018 ([PA 17-131](#) (§ 7), effective July 1, 2017).

Pretrial Detention and Bail

The legislature made changes to laws on pretrial detention and bail by:

1. barring courts from requiring cash-only bail for certain crimes;
2. limiting the circumstances in which courts can impose financial conditions of release for someone charged only with a misdemeanor that is not a family violence crime;
3. generally shortening the period within which defendants who cannot make bail and who were charged only with a misdemeanor must receive a bail review hearing; and
4. requiring the court, at a bail review hearing for a misdemeanor defendant, to remove the financial conditions on the person's release unless the court makes certain findings.

The act also requires OPM's under secretary for criminal justice policy and planning, in consultation with certain groups, to study the feasibility of establishing an assistance program for indigent criminal defendants being detained pretrial who were charged with minor crimes. He must report to the Judiciary Committee by January 1, 2018 ([PA 17-145](#), effective July 1, 2017, except the study provisions are effective upon passage).

Prison

Isolated Confinement

A new law prohibits the Department of Correction (DOC), with limited exceptions, from holding an individual under age 18 on administrative segregation status.

“Administrative segregation status” means placement of an inmate on restrictive housing status (i.e., a designation that provides for closely regulated management and separation of an inmate from other inmates) after determining that such inmate can no longer be safely managed in the facility's general inmate population.

The new law, among other things, also requires the DOC commissioner to study and submit a report to the Judiciary Committee on the use and oversight of all forms and phases of housing for inmates on restrictive housing status ([PA 17-239](#), effective January 1, 2018).

State Identification for Released Inmates

A new law requires the motor vehicles and DOC commissioners, within available appropriations, to ensure that an inmate has a state identification card or a driver's license at the time he or she is released from a correctional facility after serving any part of a prison term for a criminal conviction. This requirement only applies if the inmate requests and qualifies for the card or license and pays any associated fee ([PA 17-106](#), effective October 1, 2017).

Study on Employment Opportunities Following Reentry into Community

Under a new law, the Commission on Equity and Opportunity must study and recommend ways to provide (1) enhanced employment opportunities to people recently released from correctional facilities and (2) tax incentives to employers who provide jobs to such individuals. By January 1, 2018, the commission must report on its study to the Labor Committee ([SA 17-15](#), effective October 1, 2017).

Working Group on Manufacturing Training for Inmates

The legislature established a working group to develop a program to train prison inmates for manufacturing jobs. The working group must (1) include various education, job training, and manufacturing representatives and (2) report its legislative recommendations to specified committees by January 15, 2018 ([PA 17-242](#) (§ 3), effective upon passage).

Schools

Private School Employee Background Checks

A new law extends to private schools the background check requirements that apply to job applicants and employees in public schools. It requires applicants for any positions in which the employee comes in direct contact with students to participate in, and consent to, a number of steps, including contacting former employers, to determine whether the applicant has a history of sexual misconduct or child abuse or neglect. Under the new law, these applicants must submit to state child abuse and neglect registry and state and national criminal background checks and provide contact information for current or former employers if the job involved contact with children ([PA 17-68](#) (§§ 9 & 10), effective July 1, 2017).

School Notification of Protection Orders

A new law makes changes to laws that govern the court's notification to schools or higher education institutions when it issues certain protection orders. Under prior law, a court, upon the request of a victim, had to notify the victim's school or higher education institution when it issued a civil restraining order, civil protection order, family violence protective order, or criminal protective order. The new law instead requires the court to do so only if the applicant provides the court with the school's or institution's name and address.

For civil restraining orders, the new law also requires the court to provide such notice, under the conditions described above, to the school or institution in which the victim's minor child protected by the order is enrolled.

The new law also expands the court's duty to provide notice to schools or higher education institutions by requiring notice, under the conditions described above, when the court issues standing criminal protective orders and orders prohibiting harassment of a witness in a criminal case ([PA 17-163](#), effective January 1, 2018).

School Security Grant Program Extension

The legislature extended the school security infrastructure grant program for one year, from June 30, 2017 to June 30, 2018. The program provides grants to develop or improve security infrastructure in schools, based on the results of school building security assessments conducted with local law enforcement. Under existing law, these grants are available to private schools as well as public schools. The new law specifies that this includes private child care centers or preschools that have received threats ([PA 17-68](#) (§ 1), effective upon passage).

State Oversight of School Bus Company Driver Monitoring

A new law requires the motor vehicles commissioner to ensure that school bus companies are fulfilling their duty to review twice a month the commissioner's periodic reports on drivers who have had their licenses withdrawn, suspended, or revoked. The law authorizes the commissioner to do this by conducting random compliance audits of bus companies to determine whether a company is performing the required review of the driver suspension reports, maintaining a record of each company review for the previous two years, and making the record publicly available upon request. The new law does not change the existing provision that subjects bus companies to civil penalties if they fail to review the commissioner's suspension reports ([PA 17-68](#) (§ 15), effective July 1, 2017).

Victims and Victim Services

Civil Protection Orders

By law, victims of sexual abuse, sexual assault, or stalking are eligible for civil protection orders if they are not eligible for civil restraining orders (which are available to family and household members only). A new law (1) creates a specific definition of "stalking" for the purpose of civil protection orders that expands the availability of these orders to more stalking victims and (2) allows applicants to request that their location be kept confidential ([PA 17-99](#) (§ 1), effective October 1, 2017).

Office of Victim Services

A new law expands the powers and duties of the Judicial Branch's Office of Victim Services (OVS). Among other changes, it creates a new process for victims seeking enforcement of financial restitution orders; makes more victims eligible for victim compensation from OVS by expanding injuries, crimes, and situations under which a victim may qualify for compensation; allows up to an additional \$5,000 above the maximum \$15,000 personal injury award for certain child-victims; allows OVS to waive consideration of available health insurance when determining victim compensation; and requires health care providers to suspend debt collection from victims in certain circumstances ([PA 17-99](#) (§§ 17-19, 21-38, & 40), effective October 1, 2017).

Restitution Orders

New laws extend the period in which someone can enforce and collect a court order that an offender pay financial restitution to a victim ([PA 17-87](#) (§ 4) and [PA 17-99](#) (§ 18), each effective October 1, 2017).

Sexual Assault Victims' Names and Personal Information

A new law extends to victims of the crime of sexual assault in a spousal or cohabiting relationship certain protections that existing law gives to certain sexual assault and other victims regarding their names and other personal information. For example, the act limits the circumstances in which courts can require the victim to divulge his or her address or phone number during a trial or pretrial evidentiary hearing ([PA 17-87](#) (§§ 6 & 7), effective October 1, 2017).

Victim Access to Juvenile Records

A new law expands victim access to juvenile records in delinquency matters. It (1) gives victims the right to access specified information without a court order, (2) creates a process by which a party may object to the release of such information, and (3) specifies other information that the court may release and factors it must consider before doing so ([PA 17-99](#) (§§ 2 & 3), effective October 1, 2017).

Victim Notification

Under the state constitution, crime victims have a right to notification of court proceedings and information about the arrest, conviction, sentence, imprisonment, and release of the accused. A new law (1) requires DOC to make general offender sentencing information available to the public and (2) expands the information available to crime victims for sentencing and proposed plea bargains.

Under the new law, when a convicted defendant receives a definite or total effective sentence of more than two years' imprisonment, the court must indicate the maximum period of imprisonment that may apply to the defendant and whether the defendant may be eligible to earn risk reduction credits or apply for release on parole. The new law also requires the prosecutor to make these same indications, if the terms of a proposed plea agreement provide for the same term of imprisonment stated above ([PA 17-217](#), effective October 1, 2017).

Miscellaneous

Civil Asset Forfeiture

Civil forfeiture refers to the process by which property seized by law enforcement officers in connection with a lawful arrest or a lawful search may be forfeited to the state in a civil proceeding. A new law makes changes to the civil forfeiture process, generally requiring a conviction before seized property may be forfeited and updating the circumstances under which the court must return property to its owner ([PA 17-193](#), effective October 1, 2017).

Community Services

A new law requires the chief state's attorney to establish a pilot program to identify and track homeless, addicted, or mentally ill individuals entering the criminal justice system. The pilot program must serve the geographical area courts for Hartford, New Haven, New London, and Norwich ([PA 17-205](#), effective October 1, 2017).

Disclosure of Erased Criminal Records

A new law expands when courts must disclose erased criminal records upon a proper motion. For example, it requires such disclosure to (1) the petitioner's and respondent's attorneys in connection with any habeas corpus proceeding or other collateral civil action in which evidence about a nolle or dismissed criminal charge may become relevant and (2) the prosecutor and defense counsel in connection with proceedings on sentence enhancement for an offense committed while the person was on release ([PA 17-216](#) (§ 5), effective October 1, 2017).

Exclusions from Diversionary Program for People Under Age 21

The law allows a defendant or prosecutor to ask the court to allow eligible defendants under age 21 charged with certain motor vehicle violations and alcohol-related crimes to participate in a diversionary program, the completion of which results in a dismissal of charges. Under a new law, the program is not available to anyone (1) charged with using a handheld cellphone while driving or (2) who, at the time of the violation, holds a commercial driver's license or instruction permit or is operating a commercial motor vehicle. These changes are required in order to (1) receive federal grants and (2) comply with federal law ([PA 17-79](#) (§ 15), effective October 1, 2017).

Fire Apparatus Safety and Testing

A new law requires municipal and volunteer fire departments to maintain their pump and aerial fire apparatus components in compliance with the National Fire Protection Association standard 1911, which sets minimum requirements for inspecting, maintaining, testing, and retiring fire apparatus. It also requires such departments to maintain their fire apparatus in compliance with specified federal regulations concerning safety, maintenance, and inspections. Existing state regulations already require compliance with the same federal regulations ([PA 17-175](#), effective October 1, 2017).

Legal Protections for Rendering Emergency Assistance to a Child Locked in Car

Under certain circumstances, a new law provides an affirmative defense against civil damages or criminal penalties to someone who enters another person's passenger motor vehicle, including by force, to remove a child who he or she reasonably believes is in imminent danger of serious bodily injury. The affirmative defense does not apply to acts or omissions constituting gross, willful, or wanton negligence. Under this legislation, a person may still be liable for civil damages if he or she attempts to provide aid to the child in addition to the actions authorized above ([PA 17-134](#), effective October 1, 2017).

Municipal Commercial Drone Regulations

A new law generally prohibits municipalities from regulating commercial drones, except as allowed under state or federal law and to the extent the regulations do not conflict with the Connecticut Airport Authority's policies and procedures. It creates an exception for municipal water companies enacting and enforcing regulations concerning drone use over the municipality's public water supply and certain watershed and off-watershed land ([PA 17-52](#), effective upon passage).

Periodic Criminal Background Checks for Department of Revenue Services Employees

Under a new law, at least once every 10 years, current Department of Revenue Services (DRS) employees must now undergo the same criminal background checks the law requires for prospective DRS employees. The new law requires DRS to enforce it consistent with the already existing law prohibiting employers, among other things, from requiring employees to disclose information in certain erased criminal records ([PA 17-147](#) (§ 11), effective upon passage).

Public Nuisance Actions

By law, the state can bring an action to abate a public nuisance on any real property on which, within the past 365 days, there have been three or more (1) arrests for certain crimes; (2) arrest warrants issued for certain crimes that are not isolated incidents, indicating a pattern of criminal activity; or (3) municipal citations issued for certain violations.

A new law adds alcohol sales to minors to the list of activities that can be the basis for a state action to abate a public nuisance ([PA 17-87](#) (§ 1), effective October 1, 2017).

Reporting the Death of a Person in State Custody

A new law requires any executive branch department head and the state Supreme Court's chief justice to promptly notify the Division of Criminal Justice if someone dies while in the care, custody, or control of anyone under the department head's or chief justice's jurisdiction ([PA 17-216](#) (§ 1), effective October 1, 2017).

Additional Minor Changes

New laws make additional minor changes affecting crime and public safety, including:

1. [PA 17-17](#) (technical and clarifying changes to illegal drug sale statutes);
2. [PA 17-87](#) (§ 2) (allows electronic signatures by certain laboratory personnel for drug and alcohol testing reports); and
3. [PA 17-216](#) (§ 6) (eliminates a requirement that the chief state's attorney adopt certain regulations).

JO:bs