
OLR Bill Analysis

sSB 215

AN ACT CONCERNING COURT OPERATIONS.

SUMMARY

This bill makes a number of unrelated changes in court procedures and operations. It:

1. prohibits state contractors from discriminating against applicants and employees on the basis of veteran status (§ 2);
2. requires a parent requesting certain orders from the court to file specified accompanying documents with the court no later than the first date that the matter appears on the docket (§ 4);
3. allows the court, after entering a decree to dissolve a marriage, to rule on any motion filed by one of the former spouses to have his or her birth or former name restored without a hearing (§ 5);
4. eliminates a requirement that the chief family support magistrate annually report to the chief court administrator (§ 6);
5. makes a technical change by eliminating references to certain infractions from the law that permits certain offenses to be disposed of by mailing a fine to the Centralized Infraction Bureau (since infraction fines, by their nature, are payable by mail, this does not affect the violator's ability to resolve those infractions in that manner)(§ 9);
6. adds to the documents that the Commission on Official Legal Publications may publish electronically (§§ 10 & 11);
7. adds to the circumstances under which a posted bail bond in a criminal proceeding must be automatically terminated and released to include when the defendant is granted admission to

- a diversionary program for young people charged with certain motor vehicle or alcohol-related offenses (§ 14);
8. extends to victims of aggravated sexual assault of a minor protections that existing law gives to certain sexual assault and other victims regarding the confidentiality of their names and other personal information (§§ 15 & 16);
 9. provides that the Board of Pardons and Paroles (BOPP) does not have to provide a pardon eligibility notice to a person when he or she is sentenced if the sentence includes a period of imprisonment or probation (§ 17);
 10. eliminates a requirement that the Department of Rehabilitation Services (DORS) provide a qualified interpreter to a juror who is deaf or hard of hearing, at the juror's or the court's request, for the court proceeding and jury deliberations (in practice, the Judicial Branch obtains interpreters through vendors, not through DORS) (§ 18);
 11. extends by six months, to July 1, 2019, the date by which the chief court administrator must report to the Judiciary Committee on the pilot program that provides indigent individuals with access to legal counsel in civil proceedings on applications for relief from abuse (i.e., civil restraining orders) (§ 19);
 12. makes individuals applying for or receiving Medicaid benefits eligible for a non-adversarial dissolution of marriage (§ 20);
 13. specifies that the victim advocate, upon request, must be provided with a copy of any police report in the state's attorney's possession, rather than in the possession of the chief state's attorney's office (§ 21);
 14. eliminates obsolete references to the Judicial Branch executive and assistant executive secretary (§§ 1, 3, 7, 8, 11, 12, 13); and
 15. makes minor, technical, and conforming changes throughout.

EFFECTIVE DATE: Upon passage, except the provisions:

1. prohibiting contractor discrimination based on veteran status (§ 2), allowing for a name change without a hearing (§ 5), makes a technical change in the law that allows for payment of fines without a court appearance (§ 9), and specifying which police reports the victim's advocate may access (§ 21) are effective July 1, 2018, and
2. requiring a parent to file accompanying documents (§ 4), providing protections to victims of aggravated sexual assault (§§ 15 & 16), specifying when BOPP does not have to provide pardon eligibility notice (§ 17), and eliminating the qualified interpreter requirement (§ 18), are effective October 1, 2018.

§ 2 — DISCRIMINATION ON THE BASIS OF VETERAN STATUS

The bill generally requires state agency, municipal public works, and quasi-public agency project contracts to require the contractor to (1) agree that, in performing the contract, he or she will not unlawfully discriminate or permit discrimination on the grounds of veteran status and (2) agree to take affirmative action to ensure that applicants with job-related qualifications are employed and that employees are treated without regard to their status as a veteran. Existing law prohibits contractors from discriminating against various protected classes (e.g., on the basis of race, age, disability).

§ 4 — ACCOMPANYING DOCUMENTS FOR CERTAIN COURT ORDERS

When parents of a minor child live separately, current law permits any party to apply to the court seeking a custody, care, education, visitation, or support order for the child. The bill specifies that either parent, rather than any party, may file such an application with the court. It also requires the requesting parent to file certain accompanying documents with the court no later than the first date that the matter appears on the docket.

Under the bill, "accompanying documents" are those that establish an existing legal relationship between the parents and the child for

whom the parent seeks the order. These documents include:

1. a copy of a (a) birth certificate naming the applicant and respondent as the parents or (b) properly executed paternity acknowledgment;
2. a court order or decree naming the legally responsible parents, including adoptive parents;
3. a gestational agreement;
4. documents showing that the minor was born while the parents were married; or
5. other sufficient evidence within the court's discretion.

§§ 10 & 11 — COMMISSION ON OFFICIAL LEGAL PUBLICATIONS

The bill permits the Commission on Official Legal Publications to publish appellate court decisions in electronic, instead of bound, volumes. The commission must also publish the opinions in the Connecticut Law Journal, as required under existing law.

The bill allows the commission to publish, maintain, and distribute all archived official legal publications electronically as the sole format. Current law allows the commission to do so for all official legal "protections" and all but the most recent one hundred volumes of the Connecticut Reports.

§§ 15 & 16 — NAMES AND ADDRESSES OF CERTAIN SEXUAL ASSAULT VICTIMS

The bill extends to victims of aggravated sexual assault of a minor protections that existing law gives to certain sexual assault and other victims regarding their names and other personal information.

It prohibits requiring such a victim to divulge his or her address or phone number during a trial or pretrial evidentiary hearing arising from the alleged crime if the judge finds the (1) information is not material, (2) victim's identity is satisfactorily established, and (3) victim's current address will be given to the defense in the same way it

is in cases involving other offenses.

Also, under the bill, the name and address of such a victim is confidential and may not be disclosed without a court order, except (1) the information must be available to the accused in the same manner and time as such information is available to individuals accused of other criminal offenses and (2) if a protective order is issued, the victim's name and address, in addition to the information in and concerning the protective order, must be entered into the protective order registry.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute

Yea 38 Nay 0 (04/02/2018)