



Senate

General Assembly

File No. 605

February Session, 2018

Substitute Senate Bill No. 215

Senate, April 19, 2018

The Committee on Judiciary reported through SEN. DOYLE of the 9th Dist. and SEN. KISSEL of the 7th Dist., Chairpersons of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING COURT OPERATIONS.

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

1 Section 1. Subsection (a) of section 2-61 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective from*
3 *passage*):

4 (a) The Secretary of the State shall deliver copies of the revised
5 statutes, of each supplement to the general statutes and of each revised
6 volume thereof and of each volume of the public acts and special acts
7 to the State Library for its general purposes and for exchange with
8 other states and libraries, and copies of the revised statutes, of each
9 supplement, of each revised volume and of each volume of the public
10 acts, and such additional number of each as [the executive secretary of]
11 the Judicial Department certifies as necessary, for the use of any of the
12 state-maintained courts, and copies of each volume of the special acts
13 to [said executive secretary] the Judicial Department for distribution to
14 state-maintained courts, and, to the several departments, agencies and

15 institutions of the executive branch of the state government, as many
16 copies of the revised statutes, of each supplement, of each revised
17 volume and of each of the volumes of public acts and special acts as
18 they require for the performance of their duties.

19 Sec. 2. Subdivision (1) of subsection (a) of section 4a-60 of the 2018
20 supplement to the general statutes is repealed and the following is
21 substituted in lieu thereof (*Effective July 1, 2018*):

22 (1) The contractor agrees and warrants that in the performance of
23 the contract such contractor will not discriminate or permit
24 discrimination against any person or group of persons on the grounds
25 of race, color, religious creed, age, marital status, national origin,
26 ancestry, sex, gender identity or expression, status as a veteran,
27 intellectual disability, mental disability or physical disability,
28 including, but not limited to, blindness, unless it is shown by such
29 contractor that such disability prevents performance of the work
30 involved, in any manner prohibited by the laws of the United States or
31 of the state of Connecticut; and the contractor further agrees to take
32 affirmative action to [insure] ensure that applicants with job-related
33 qualifications are employed and that employees are treated when
34 employed without regard to their race, color, religious creed, age,
35 marital status, national origin, ancestry, sex, gender identity or
36 expression, status as a veteran, intellectual disability, mental disability
37 or physical disability, including, but not limited to, blindness, unless it
38 is shown by such contractor that such disability prevents performance
39 of the work involved;

40 Sec. 3. Subsection (d) of section 45a-81 of the general statutes is
41 repealed and the following is substituted in lieu thereof (*Effective from*
42 *passage*):

43 (d) The [executive secretary of the] Judicial Department shall, on
44 notice from the Probate Court Administrator, include the assistants
45 and clerical help on the payroll of the Judicial Department. On
46 presentation of vouchers by [the executive secretary of] the Judicial
47 Department to the Probate Court Administrator, [he] the Probate

48 Court Administrator shall reimburse the Judicial Department, from the
49 fund established under section 45a-82, for the salary and benefits paid
50 by the Judicial Department to or for the assistants and clerical help
51 included on the Judicial Department payroll.

52 Sec. 4. Section 46b-61 of the general statutes is repealed and the
53 following is substituted in lieu thereof (*Effective October 1, 2018*):

54 (a) In all cases in which the parents of a minor child live separately,
55 the superior court for the judicial district where [the parties or one of
56 them] either parent resides may, on the application of either [party]
57 parent and after notice is given to the other [party] parent, make any
58 order as to the custody, care, education, visitation and support of any
59 minor child of the [parties] parents, subject to the provisions of
60 sections 46b-54, 46b-56, 46b-57 and 46b-66. Proceedings to obtain such
61 orders shall be commenced by service of an application, a summons
62 and an order to show cause. An applicant shall file the accompanying
63 documents with the court not later than the first date for which the
64 matter appears on the docket.

65 (b) As used in this section, "accompanying documents" means
66 documents that establish an existing legal relationship between the
67 parents and the child for whom an application for custody, care,
68 education, visitation and support is made under this section.
69 "Accompanying documents" include, but are not limited to, a copy of a
70 birth certificate naming the applicant and the respondent as the
71 parents of the child, a copy of a properly executed acknowledgment of
72 paternity, a court order or decree naming the legally responsible
73 parents, including adoptive parents, a gestational agreement as
74 defined in section 7-36, documents showing that the minor child was
75 born during the parents' wedlock or other sufficient evidence within
76 the discretion of the court.

77 Sec. 5. Section 46b-63 of the general statutes is repealed and the
78 following is substituted in lieu thereof (*Effective July 1, 2018*):

79 (a) At the time of entering a decree dissolving a marriage, the court,

80 upon request of either spouse, shall restore the birth name or former
81 name of such spouse.

82 (b) At any time after entering a decree dissolving a marriage, the
83 court, upon motion of either spouse, shall modify such judgment and
84 restore the birth name or former name of such spouse. The court shall
85 rule on any motion filed by such spouse to have his or her birth name
86 or former name restored without a hearing.

87 Sec. 6. Subsection (g) of section 46b-231 of the 2018 supplement to
88 the general statutes is repealed and the following is substituted in lieu
89 thereof (*Effective from passage*):

90 (g) A Chief Family Support Magistrate shall be designated by the
91 Chief Court Administrator of the Superior Court from among the nine
92 family support magistrates appointed pursuant to subsection (f) of this
93 section, except that the Chief Family Support Magistrate serving in
94 that capacity on December 31, 2016, shall continue to serve in that
95 capacity on and after January 1, 2017, until the expiration of such
96 family support magistrate's term, unless a successor is designated by
97 the Chief Court Administrator or such family support magistrate is
98 removed from office pursuant to subsection (f) of this section or such
99 family support magistrate's nomination has failed to be approved in
100 accordance with subsection (f) of this section. Under the direction of
101 the Chief Court Administrator, the Chief Family Support Magistrate
102 shall supervise the Family Support Magistrate Division [and submit an
103 annual report to the Chief Court Administrator] and perform such
104 other duties as provided in this section.

105 Sec. 7. Section 51-8 of the general statutes is repealed and the
106 following is substituted in lieu thereof (*Effective from passage*):

107 [(a)] There shall be an office for the administration of the
108 nonjudicial business of the Judicial Department under the direction of
109 the Chief Court Administrator.

110 [(b) The Chief Court Administrator shall appoint an executive

111 secretary, who shall hold office at the pleasure of the Chief Court
112 Administrator. The salary of the executive secretary shall be fixed by
113 the Supreme Court. The executive secretary shall be a member of the
114 bar of the state and shall not engage in the private practice of law.]

115 Sec. 8. Section 51-9 of the general statutes is repealed and the
116 following is substituted in lieu thereof (*Effective from passage*):

117 Under the supervision and direction of the Chief Court
118 Administrator, the [executive secretary and other members of the] staff
119 of the Office of Chief Court Administrator shall:

120 (1) Audit all bills to be paid from state appropriations, except bills of
121 the Division of Criminal Justice, for the expenses of the Judicial
122 Department and its constituent courts prior to taxation or final
123 approval thereof by any judge;

124 (2) Maintain adequate accounting and budgetary records for all
125 appropriations by the state for the maintenance of the Judicial
126 Department, except the Division of Criminal Justice, and all other
127 appropriations assigned by the legislature or state budgetary control
128 offices for administration by the Judicial Department, except the
129 Division of Criminal Justice;

130 (3) Prepare and submit to the appropriate budget agency of the state
131 government estimates of appropriations necessary for the maintenance
132 and operation of the Judicial Department, including therein estimates
133 submitted for the Division of Criminal Justice as provided in section
134 51-279, and make recommendations in respect to those appropriations;

135 (4) Act as secretary of any meetings, conferences or assemblies of
136 judges, or committees thereof, of the Judicial Department and of its
137 constituent courts;

138 (5) Supervise all purchases of commodities and services for the
139 Judicial Department, except for the Division of Criminal Justice, to be
140 charged to state appropriations, and issue all orders therefor for the
141 department, excluding orders for the Division of Criminal Justice;

142 (6) Examine the administrative methods and systems employed in
143 the Judicial Department and its constituent courts and agencies, except
144 the Division of Criminal Justice, and develop and implement programs
145 for the improvement thereof and for securing uniform administration
146 and procedures;

147 (7) Examine the state of the dockets of the courts of the Judicial
148 Department to ascertain the need for assistance by any court and to
149 implement programs for the fair and prompt disposition of cases
150 therein;

151 (8) Collect and compile statistical and other data concerning the
152 business transacted by the Judicial Department and its constituent
153 courts and the expenditure of public moneys for the maintenance and
154 operation of the judicial system;

155 (9) Assist in the preparation of the assignments of the judges of the
156 Superior Court and attend to the printing and distribution for the
157 Superior Court of an annual directory containing relevant information
158 pertaining to the operation of the court;

159 (10) Serve as payroll officer for the Judicial Department, excluding
160 the Division of Criminal Justice, and for the Supreme Court, Appellate
161 Court and Superior Court;

162 (11) Supervise the assignment of court reporters of the Superior
163 Court;

164 (12) Conduct research and planning activities for the Judicial
165 Department and its constituent courts and offices as deemed feasible
166 by, or in the discretion of, the Chief Justice or the Chief Court
167 Administrator;

168 (13) Develop education programs for the judges and other
169 personnel of the Judicial Department;

170 (14) Develop personnel standards, policies and procedures, and
171 make recommendations concerning all personnel matters, including

172 requests for salary increases or for additional positions, for
173 consideration by the Supreme Court or the appropriate appointing
174 authorities;

175 (15) Report periodically to the Chief Court Administrator
176 concerning all matters which have been entrusted to [him] such staff;

177 (16) Attend to matters assigned to [him] such staff by the Chief
178 Justice, or the Chief Court Administrator or by statute;

179 (17) Design, implement and maintain, as deemed feasible by the
180 Chief Court Administrator, computerized automatic data processing
181 systems for use in the Supreme Court, Appellate Court and Superior
182 Court or divisions of the Superior Court;

183 (18) Supervise administrative methods employed in clerks' offices
184 and in the various offices of the Supreme Court, Appellate Court and
185 Superior Court; and

186 (19) Supervise the care and control of all property where the Judicial
187 Department is the primary occupant, which supervision shall include
188 planning, execution of contracts, except for contracts for consultant
189 services which shall be subject to section 4b-58, oversight and
190 supervision of work involving the construction, repair or alteration of
191 a building or premises under the supervision of the Office of the Chief
192 Court Administrator, when construction contracts do not exceed one
193 million two hundred fifty thousand dollars. For the purposes of this
194 subdivision, "Judicial Department" does not include the courts of
195 probate, the Division of Criminal Justice and the Public Defender
196 Services Commission, except where they share facilities in state-
197 maintained courts.

198 Sec. 9. Subsection (b) of section 51-164n of the 2018 supplement to
199 the general statutes is repealed and the following is substituted in lieu
200 thereof (*Effective July 1, 2018*):

201 (b) Notwithstanding any provision of the general statutes, any
202 person who is alleged to have committed (1) a violation under the

203 provisions of section 1-9, 1-10, 1-11, 4b-13, 7-13, 7-14, 7-35, 7-41, 7-83, 7-
204 283, 7-325, 7-393, 8-12, 8-25, 8-27, 9-63, 9-322, 9-350, 10-193, 10-197, 10-
205 198, 10-230, 10-251, 10-254, 12-52, 12-170aa, 12-292, 12-314b or 12-326g,
206 subdivision (4) of section 12-408, subdivision (3), (5) or (6) of section
207 12-411, section 12-435c, 12-476a, 12-476b, 12-487, 13a-71, 13a-107, 13a-
208 113, 13a-114, 13a-115, 13a-117b, 13a-123, 13a-124, 13a-139, 13a-140, 13a-
209 143b, 13a-247 or 13a-253, subsection (f) of section 13b-42, section 13b-
210 90, 13b-221, 13b-292, 13b-336, 13b-337, 13b-338, 13b-410a, 13b-410b or
211 13b-410c, subsection (a), (b) or (c) of section 13b-412, section 13b-414,
212 subsection (d) of section 14-12, section 14-20a or 14-27a, subsection (e)
213 of section 14-34a, subsection (d) of section 14-35, section 14-43, 14-49,
214 14-50a or 14-58, subsection (b) of section 14-66, section 14-66a [, 14-66b]
215 or 14-67a, subsection (g) of section 14-80, subsection (f) of section 14-
216 80h, section 14-97a, 14-100b, 14-103a, 14-106a, 14-106c, 14-146, 14-152,
217 14-153 or 14-163b, a first violation as specified in subsection (f) of
218 section 14-164i, section 14-219 as specified in subsection (e) of said
219 section, subdivision (1) of section 14-223a, section 14-240, [14-249,] 14-
220 250 or 14-253a, subsection (a) of section 14-261a, section 14-262, 14-264,
221 14-267a, 14-269, 14-270, 14-275a, 14-278 or 14-279, subsection (e) or (h)
222 of section 14-283, section 14-291, 14-293b, 14-296aa, 14-300, 14-300d, 14-
223 319, 14-320, 14-321, 14-325a, 14-326, 14-330 or 14-332a, subdivision (1),
224 (2) or (3) of section 14-386a, section 15-25 or 15-33, subdivision (1) of
225 section 15-97, subsection (a) of section 15-115, section 16-44, 16-256e,
226 16a-15 or 16a-22, subsection (a) or (b) of section 16a-22h, section 17a-24,
227 17a-145, 17a-149, 17a-152, 17a-465, [17a-642,] 17b-124, 17b-131, 17b-137,
228 19a-30, 19a-33, 19a-39 or 19a-87, subsection (b) of section 19a-87a,
229 section 19a-91, 19a-105, 19a-107, 19a-113, 19a-215, 19a-219, 19a-222,
230 19a-224, 19a-286, 19a-287, 19a-297, 19a-301, 19a-309, 19a-335, 19a-336,
231 19a-338, 19a-339, 19a-340, 19a-425, 19a-502, 20-7a, 20-14, 20-158, 20-231,
232 20-249, 20-257, 20-265, 20-324e, 20-341l, 20-366, 20-597, 20-608, 20-610,
233 21-1, 21-38, 21-39, 21-43, 21-47, 21-48, 21-63 or 21-76a, subdivision (1) of
234 section 21a-19, section 21a-21, subdivision (1) of subsection (b) of
235 section 21a-25, section 21a-26 or 21a-30, subsection (a) of section 21a-
236 37, section 21a-46, 21a-61, 21a-63 or 21a-77, subsection (b) of section
237 21a-79, section 21a-85 or 21a-154, subdivision (1) of subsection (a) of

238 section 21a-159, subsection (a) of section 21a-279a, section 22-12b, 22-
239 13, 22-14, 22-15, 22-16, 22-26g, 22-29, 22-34, 22-35, 22-36, 22-38, 22-39,
240 22-39a, 22-39b, 22-39c, 22-39d, 22-39e, 22-49 or 22-54, subsection (d) of
241 section 22-84, section 22-89, 22-90, 22-98, 22-99, 22-100, 22-111o, 22-167,
242 22-279, 22-280a, 22-318a, 22-320h, 22-324a, 22-326 or 22-342, subsection
243 (b), (e) or (f) of section 22-344, section 22-359, 22-366, 22-391, 22-413, 22-
244 414, 22-415, 22a-66a or 22a-246, subsection (a) of section 22a-250,
245 subsection (e) of section 22a-256h, section 22a-363 or 22a-381d,
246 subsections (c) and (d) of section 22a-381e, section 22a-449, 22a-461, 23-
247 37, 23-38, 23-46 or 23-61b, subsection (a) or subdivision (1) of
248 subsection (c) of section 23-65, section 25-37 or 25-40, subsection (a) of
249 section 25-43, section 25-43d, 25-135, [26-16,] 26-18, 26-19, 26-21, 26-31,
250 [26-31c,] 26-40, 26-40a, 26-42, 26-49, 26-54, 26-55, 26-56, 26-58 or 26-59,
251 subdivision (1) of subsection (d) of section 26-61, section 26-64,
252 subdivision (1) of section 26-76, section 26-79, 26-87, 26-89, 26-91, 26-94,
253 26-97, 26-98, 26-104, 26-105, 26-107, 26-117, 26-128, 26-131, 26-132, 26-
254 138 or 26-141, [subdivision (2) of subsection (j) of section 26-142a,
255 subdivision (1) of subsection (b) of section 26-157b,] subdivision (1) of
256 section 26-186, section 26-207, 26-215, 26-217 or 26-224a, subdivision (1)
257 of section 26-226, section 26-227, 26-230, 26-232, 26-244, 26-257a, 26-260,
258 26-276, 26-284, 26-285, 26-286, 26-288, 26-294, 28-13, 29-6a, 29-25, 29-
259 143o, 29-143z or 29-156a, subsection (b), (d), (e) or (g) of section 29-
260 161q, section 29-161y or 29-161z, subdivision (1) of section 29-198,
261 section 29-210, 29-243 or 29-277, subsection (c) of section 29-291c,
262 section 29-316, 29-318, 29-381, 30-48a, 30-86a, 31-3, 31-10, 31-11, 31-12,
263 31-13, 31-14, 31-15, 31-16, 31-18, 31-23, 31-24, 31-25, 31-32, 31-36, 31-38,
264 31-40, 31-44, 31-47, 31-48, 31-51, 31-52, 31-52a or 31-54, subsection (a) or
265 (c) of section 31-69, section 31-70, 31-74, 31-75, 31-76, 31-76a, 31-89b or
266 31-134, subsection (i) of section 31-273, section 31-288, subdivision (1)
267 of section 35-20, section 36a-787, 42-230, 45a-283, 45a-450, 45a-634 or
268 45a-658, subdivision (13) or (14) of section 46a-54, section 46a-59, 46b-
269 22, 46b-24, 46b-34, 47-34a, 47-47, 49-8a, 49-16, 53-133, 53-199, 53-212a,
270 53-249a, 53-252, 53-264, 53-280, 53-302a, 53-303e, 53-311a, 53-321, 53-
271 322, 53-323, 53-331 or 53-344, subsection (c) of section 53-344b, or
272 section 53-450, or (2) a violation under the provisions of chapter 268, or

273 (3) a violation of any regulation adopted in accordance with the
274 provisions of section 12-484, 12-487 or 13b-410, or (4) a violation of any
275 ordinance, regulation or bylaw of any town, city or borough, except
276 violations of building codes and the health code, for which the penalty
277 exceeds ninety dollars but does not exceed two hundred fifty dollars,
278 unless such town, city or borough has established a payment and
279 hearing procedure for such violation pursuant to section 7-152c, shall
280 follow the procedures set forth in this section.

281 Sec. 10. Section 51-215a of the general statutes is repealed and the
282 following is substituted in lieu thereof (*Effective from passage*):

283 The clerk of the Appellate Court shall file with the Reporter of
284 Judicial Decisions copies of memoranda of decisions in Appellate
285 Court cases. The reporter shall prepare all of the decisions for
286 publication and index them in substantial conformity with the manner
287 in which decisions of the Supreme Court are prepared and indexed.
288 The decisions shall be published by the Commission on Official Legal
289 Publications in the Connecticut Law Journal and in bound or electronic
290 volumes.

291 Sec. 11. Section 51-216a of the general statutes is repealed and the
292 following is substituted in lieu thereof (*Effective from passage*):

293 (a) The Commission on Official Legal Publications shall be an
294 agency of the Judicial Branch and shall be composed of the Chief
295 Justice of the Supreme Court, who shall be chairperson, ex officio; the
296 Chief Court Administrator, ex officio; a judge or former judge of the
297 Supreme Court and a state referee, both of whom shall be appointed
298 by the Chief Justice; [the executive secretary of the Judicial Branch;] the
299 Reporter of Judicial Decisions; and one other employee of the Judicial
300 Branch appointed by the Chief Justice.

301 (b) The commission shall acquire, publish, distribute and maintain
302 for the benefit of the state a sufficient supply of the official legal
303 publications, which shall consist of: (1) The Connecticut Reports
304 consisting of the reports of cases determined by the Supreme Court as

305 prepared for publication by the Reporter of Judicial Decisions, (2)
306 reports of cases determined by the Appellate Court as prepared for
307 publication by the Reporter of Judicial Decisions, (3) the Connecticut
308 Law Journal, (4) the Connecticut Practice Book and cumulative
309 supplements thereto, and (5) such additional publications pertaining to
310 the state Judicial Branch, the Supreme Court, the Appellate Court, the
311 Superior Court and the practice of law as may be assigned to the
312 commission. The commission may publish, maintain and distribute the
313 official legal publications in available alternative formats. An
314 alternative format includes an electronic format and may be the sole
315 method for the publication, maintenance and distribution of all official
316 legal publications [.] and all archived official legal [protections and all
317 volumes of the Connecticut Reports, excluding the most recent one
318 hundred volumes] publications.

319 (c) The commission shall publish in the Connecticut Law Journal
320 except as they may be incorporated into any revision of the
321 Connecticut Practice Book: (1) Rules adopted by the judges of the
322 Supreme Court, including, but not limited to, the rules adopted by the
323 Supreme Court for the courts of probate, (2) the rules of the Appellate
324 Court, and (3) the rules of the Superior Court.

325 (d) The commission may publish in the Connecticut Law Journal, or
326 prepare for separate publication and publish, such other documents
327 and information as in its opinion are proper or of sufficient importance
328 to warrant publication.

329 (e) The commission may establish an electronic bulletin board to
330 provide information to members of the public upon such terms as it
331 deems to be in the best interest of the state.

332 (f) The commission shall, to the extent it finds it desirable to do so,
333 cause official legal publications to be copyrighted in the name of the
334 Secretary of the State for the benefit of the people of the state.

335 (g) [All] If printed, all official legal publications published by the
336 commission pursuant to this section shall be printed on paper that

337 meets or exceeds the American National Standards Institute standards
338 for permanent paper, unless such paper is not available.

339 Sec. 12. Subdivision (2) of subsection (a) of section 51-216b of the
340 general statutes is repealed and the following is substituted in lieu
341 thereof (*Effective from passage*):

342 (2) The commission may appoint a selling agent or agents to handle
343 the sales, and a publishing agent or agents to attend to the publication
344 and distribution, under its supervision, of official legal publications,
345 upon such terms as it deems to be in the best interest of the state.
346 [Except to the extent that the commission otherwise appoints, the
347 executive secretary of the Judicial Branch shall be the commission's
348 publishing agent.]

349 Sec. 13. Subsection (c) of section 51-295a of the general statutes is
350 repealed and the following is substituted in lieu thereof (*Effective from*
351 *passage*):

352 (c) Each such person shall, for retirement purposes, be entitled to
353 credit for any or all the prior years of service accrued by him on the
354 date of his appointment as Chief Public Defender, Deputy Chief Public
355 Defender or public defender, while serving in the office of (1) Chief
356 Public Defender, (2) Deputy Chief Public Defender, (3) public
357 defender, assistant public defender or deputy assistant public defender
358 in the Superior Court, Court of Common Pleas or Circuit Court, (4)
359 state's attorney, assistant state's attorney or deputy assistant state's
360 attorney in the Superior Court, or (5) prosecuting attorney or assistant
361 prosecuting attorney in the Court of Common Pleas or the Circuit
362 Court, [or (6) executive secretary or assistant executive secretary of the
363 Judicial Department,] provided such person shall pay to the
364 Comptroller five per cent of the salary of his office for each prior year
365 of service he claims for retirement credit. Each such person shall be
366 entitled to have his retirement contributions to the state employees
367 retirement system under chapter 66 credited toward the payment due
368 for the prior years of service he claims for retirement credit.

369 Sec. 14. Section 54-66a of the general statutes is repealed and the
370 following is substituted in lieu thereof (*Effective from passage*):

371 Any bail bond posted in any criminal proceeding in this state shall
372 be automatically terminated and released whenever the defendant: (1)
373 Is granted accelerated rehabilitation pursuant to section 54-56e; (2) is
374 granted admission to the pretrial alcohol education program pursuant
375 to section 54-56g; (3) is granted admission to the pretrial family
376 violence education program pursuant to section 46b-38c; (4) is granted
377 admission to the pretrial drug education and community service
378 program pursuant to section 54-56i; (5) has the complaint or
379 information filed against such defendant dismissed; (6) has the
380 prosecution of the complaint or information filed against such
381 defendant terminated by entry of a nolle prosequi; (7) is acquitted; (8)
382 is sentenced by the court and a stay of such sentence, if any, is lifted;
383 (9) is granted admission to the pretrial school violence prevention
384 program pursuant to section 54-56j; (10) is charged with a violation of
385 section 29-33, 53-202l or 53-202w, and prosecution has been suspended
386 pursuant to subsection (h) of section 29-33; (11) is charged with a
387 violation of section 29-37a and prosecution has been suspended
388 pursuant to subsection (i) of section 29-37a; [or] (12) is granted
389 admission to the supervised diversionary program for persons with
390 psychiatric disabilities, or persons who are veterans, pursuant to
391 section 54-56l; or (13) is granted admission to a diversionary program
392 for young persons charged with a motor vehicle violation or an
393 alcohol-related offense pursuant to section 54-56p.

394 Sec. 15. Section 54-86d of the 2018 supplement to the general
395 statutes is repealed and the following is substituted in lieu thereof
396 (*Effective October 1, 2018*):

397 Any person who has been the victim of a sexual assault under
398 section 53a-70, 53a-70a, 53a-70b, 53a-70c, 53a-71, 53a-72a, 53a-72b or
399 53a-73a, voyeurism under section 53a-189a, or injury or risk of injury,
400 or impairing of morals under section 53-21, or of an attempt thereof, or
401 family violence, as defined in section 46b-38a, shall not be required to

402 divulge his or her address or telephone number during any trial or
403 pretrial evidentiary hearing arising from the sexual assault, voyeurism
404 or injury or risk of injury to, or impairing of morals of, a child, or
405 family violence; provided the judge presiding over such legal
406 proceeding finds: (1) Such information is not material to the
407 proceeding, (2) the identity of the victim has been satisfactorily
408 established, and (3) the current address of the victim will be made
409 available to the defense in the same manner and time as such
410 information is made available to the defense for other criminal
411 offenses.

412 Sec. 16. Section 54-86e of the 2018 supplement to the general statutes
413 is repealed and the following is substituted in lieu thereof (*Effective*
414 *October 1, 2018*):

415 The name and address of the victim of a sexual assault under
416 section 53a-70, 53a-70a, 53a-70b, 53a-70c, 53a-71, 53a-72a, 53a-72b or
417 53a-73a, voyeurism under section 53a-189a, or injury or risk of injury,
418 or impairing of morals under section 53-21, or of an attempt thereof, or
419 family violence, as defined in section 46b-38a and such other
420 identifying information pertaining to such victim as determined by the
421 court, shall be confidential and shall be disclosed only upon order of
422 the Superior Court, except that (1) such information shall be available
423 to the accused in the same manner and time as such information is
424 available to persons accused of other criminal offenses, and (2) if a
425 protective order is issued in a prosecution under any of said sections,
426 the name and address of the victim, in addition to the information
427 contained in and concerning the issuance of such order, shall be
428 entered in the registry of protective orders pursuant to section 51-5c.

429 Sec. 17. Section 54-130f of the general statutes is repealed and the
430 following is substituted in lieu thereof (*Effective October 1, 2018*):

431 Not later than January 1, 2016, the Board of Pardons and Paroles
432 shall develop a pardon eligibility notice containing written
433 explanatory text of the pardons process set forth in this chapter. The
434 board, in conjunction with the Judicial Department and Department of

435 Correction, shall ensure that such notice is provided to a person at the
436 time such person (1) is sentenced, if such sentence does not include a
437 period of imprisonment or a period of probation, (2) is released by the
438 Department of Correction, including any pretrial release pursuant to
439 section 18-100f, (3) has completed or been discharged from a period of
440 parole, and (4) has completed a period of probation or conditional
441 discharge pursuant to section 53a-29 or 53a-33. The board shall update
442 such notice as deemed necessary by the board.

443 Sec. 18. Subsection (d) of section 51-245 of the 2018 supplement to
444 the general statutes is repealed and the following is substituted in lieu
445 thereof (*Effective October 1, 2018*):

446 (d) Notwithstanding the provisions of subsections (a) and (b) of this
447 section, if any juror is deaf or hard of hearing, such juror shall have the
448 assistance of a qualified interpreter who shall be present throughout
449 the proceeding and when the jury assembles for deliberation. [Such
450 interpreter shall be provided by the Department of Rehabilitation
451 Services at the request of the juror or the court.] Such interpreter shall
452 be subject to rules adopted pursuant to section 51-245a.

453 Sec. 19. Section 150 of public act 17-2 of the June special session is
454 repealed and the following is substituted in lieu thereof (*Effective from*
455 *passage*):

456 (a) There is established a pilot program that shall provide indigent
457 individuals with access to legal counsel at any hearing on an
458 application for relief from abuse brought under section 46b-15 of the
459 general statutes. The pilot program shall be administered in
460 accordance with the provisions of this section. Funding for the pilot
461 program shall be in accordance with the provisions of section 151 of
462 [this act] public act 17-2 of the June special session. If funding is not
463 made available in accordance with section 151 of [this act] public act
464 17-2 of the June special session by July 1, 2018, then the Division of
465 Public Defender Services and the Judicial Branch shall not be required
466 to undertake the duties described in this section. The pilot program
467 shall commence on July 1, 2018, and shall terminate on June 30, 2019.

468 (b) (1) The Judicial Branch, utilizing funds made available pursuant
469 to section 151 of [this act] public act 17-2 of the June special session,
470 shall contract with one or more nonprofit organizations, whose
471 principal purpose is to provide legal services to indigent individuals,
472 to provide legal counsel to an applicant at any hearing on an
473 application for relief from abuse brought under section 46b-15 of the
474 general statutes. The provision of legal counsel under this subsection
475 shall only be for the duration of the pilot program and shall be limited
476 to the issue of whether the application for relief under section 46b-15 of
477 the general statutes shall be granted or denied.

478 (2) The Division of Public Defender Services, utilizing funds made
479 available pursuant to section 151 of [this act] public act 17-2 of the June
480 special session, shall provide legal counsel to a respondent at any
481 hearing on an application for relief from abuse brought under section
482 46b-15 of the general statutes. The provision of legal counsel under this
483 subsection shall only be for the duration of the pilot program and shall
484 be limited to the issue of whether the application for relief under
485 section 46b-15 of the general statutes shall be granted or denied.

486 (c) The Chief Court Administrator shall select one judicial district in
487 which to provide the legal services described in subsection (b) of this
488 section.

489 (d) No individual who seeks services under the pilot program shall
490 be provided access to legal counsel under subsection (b) of this section,
491 unless: (1) If such individual is (A) the applicant in a proceeding
492 brought under section 46b-15 of the general statutes, the individual
493 successfully demonstrates to the nonprofit organization with whom
494 the Judicial Branch has contracted for the provision of legal services
495 that he or she is indigent, or (B) the respondent in a proceeding
496 brought under section 46b-15 of the general statutes, the individual
497 successfully demonstrates to the Division of Public Defender Services
498 that he or she is indigent; and (2) such proceeding is pending in the
499 judicial district selected pursuant to subsection (c) of this section.

500 (e) For purposes of this section, an applicant or respondent shall be

501 determined indigent if he or she has annual gross income that is at or
502 below the following guidelines: (1) \$23,760 for an applicant or
503 respondent with no dependents, (2) \$32,040 for an applicant or
504 respondent with one dependent, (3) \$40,320 for an applicant or
505 respondent with two dependents, and (4) \$48,600 for an applicant or
506 respondent with three dependents. If an applicant or respondent has
507 more than three dependents, for each additional dependent the sum of
508 \$8,320 shall be added to \$48,600.

509 (f) Prior to providing legal counsel to any individual under the pilot
510 program, the Division of Public Defender Services and any nonprofit
511 organization with whom the Judicial Branch contracts for the provision
512 of legal services under the pilot program, shall ensure that attorneys
513 are assigned to proceedings in a manner that will avoid conflicts of
514 interest, as defined by the Rules of Professional Conduct.

515 (g) Not later than [January 1, 2019] July 1, 2019, the Chief Court
516 Administrator, shall report, in accordance with the provisions of
517 section 11-4a of the general statutes, to the joint standing committee of
518 the General Assembly having cognizance of matters relating to the
519 judiciary on: (1) The status and results of the pilot program, and (2)
520 whether a permanent program that provides similar legal services
521 should be established in the state. Such report may also include
522 legislative recommendations concerning the establishment of the pilot
523 program on a permanent basis.

524 Sec. 20. Subsection (b) of section 46b-44a of the 2018 supplement to
525 the general statutes is repealed and the following is substituted in lieu
526 thereof (*Effective October 1, 2018*):

527 (b) An action brought pursuant to subsection (a) of this section may
528 proceed if, at the time of the filing of the action, the parties attest,
529 under oath, that the following conditions exist: (1) The marriage has
530 broken down irretrievably; (2) the duration of the marriage does not
531 exceed nine years; (3) neither party to the action is pregnant; (4) no
532 children were born to or adopted by the parties prior to, or during, the
533 marriage; (5) neither party has any interest or title in real property; (6)

534 the total combined fair market value of all property owned by either
535 party, less any amount owed on such property, is less than eighty
536 thousand dollars; (7) neither party has a defined benefit pension plan;
537 (8) neither party has a pending petition for relief under the United
538 States Bankruptcy Code; [(9) neither party is applying for or receiving
539 benefits pursuant to Title XIX of the Social Security Act; (10)] (9) no
540 other action for dissolution of marriage, civil union, legal separation or
541 annulment is pending in this state or in a foreign jurisdiction; [(11)]
542 (10) a restraining order, issued pursuant to section 46b-15, or a
543 protective order, issued pursuant to section 46b-38c, between the
544 parties is not in effect; and [(12)] (11) the residency provisions of
545 section 46b-44 have been satisfied. After the filing of the joint petition
546 and prior to the court entering a decree of dissolution of marriage
547 pursuant to section 46b-44c, if a change occurs with respect to any of
548 the conditions set forth in this subsection, one or both of the parties
549 shall notify the court forthwith of the changed condition. For the
550 purposes of this subsection, "defined benefit pension plan" means a
551 pension plan in which an employer promises to pay a specified
552 monthly benefit upon an employee's retirement that is predetermined
553 by a formula based on the employee's earnings history and tenure of
554 service.

555 Sec. 21. Subsection (b) of section 54-220 of the 2018 supplement to
556 the general statutes is repealed and the following is substituted in lieu
557 thereof (*Effective July 1, 2018*):

558 (b) Notwithstanding any provision of the general statutes, upon
559 request, a victim advocate shall be provided with a copy of any police
560 report in the possession of the [Office of the Chief State's Attorney]
561 state's attorney, the Division of State Police within the Department of
562 Emergency Services and Public Protection, any municipal police
563 department or any other law enforcement agency that the victim
564 advocate requires to perform the responsibilities and duties set forth in
565 subsection (a) of this section.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	2-61(a)
Sec. 2	<i>July 1, 2018</i>	4a-60(a)(1)
Sec. 3	<i>from passage</i>	45a-81(d)
Sec. 4	<i>October 1, 2018</i>	46b-61
Sec. 5	<i>July 1, 2018</i>	46b-63
Sec. 6	<i>from passage</i>	46b-231(g)
Sec. 7	<i>from passage</i>	51-8
Sec. 8	<i>from passage</i>	51-9
Sec. 9	<i>July 1, 2018</i>	51-164n(b)
Sec. 10	<i>from passage</i>	51-215a
Sec. 11	<i>from passage</i>	51-216a
Sec. 12	<i>from passage</i>	51-216b(a)(2)
Sec. 13	<i>from passage</i>	51-295a(c)
Sec. 14	<i>from passage</i>	54-66a
Sec. 15	<i>October 1, 2018</i>	54-86d
Sec. 16	<i>October 1, 2018</i>	54-86e
Sec. 17	<i>October 1, 2018</i>	54-130f
Sec. 18	<i>October 1, 2018</i>	51-245(d)
Sec. 19	<i>from passage</i>	PA 17-2 of the June Sp. Sess., Sec. 150
Sec. 20	<i>October 1, 2018</i>	46b-44a(b)
Sec. 21	<i>July 1, 2018</i>	54-220(b)

Statement of Legislative Commissioners:

In Section 4(a), "An applicant shall cause the accompanying documents to be filed with the court" was changed to "An applicant shall file the accompanying documents with the court" for clarity.

JUD *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note***State Impact:*** None***Municipal Impact:*** None***Explanation***

The bill makes procedural and conforming changes that do not result in a fiscal impact.

The Out Years***State Impact:*** None***Municipal Impact:*** None

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)