
OLR Bill Analysis

sSB 996

AN ACT CONCERNING REVISIONS TO VARIOUS STATUTES CONCERNING THE CRIMINAL JUSTICE SYSTEM.

SUMMARY

This bill eliminates the statutory process for removing certain town clerks and treasurers (§ 6). It also makes minor revisions and various unrelated changes in laws related to the criminal justice system. The bill:

1. changes where complaints may be made about the unlawful employment, to influence legislative action, of anyone who is compensated by the state (§ 1);
2. extends an exemption that allows certain law enforcement officials to record private telephone conversations to also cover their agents when done for law enforcement purposes (§ 3);
3. conforms the maximum penalty for 2nd degree assault with a firearm to the maximum penalties for the underlying 2nd degree assault, but with a one year mandatory minimum (§ 4);
4. extends protections against criminal lockout to commercial lessees (§ 5); and
5. repeals laws that involve the state's attorney with a (a) town's noncompliance with highway construction orders and (b) railroad company's neglect of a highway or railroad (§ 6).

It also makes technical changes, including removing an obsolete reference (§ 2).

EFFECTIVE DATE: October 1, 2019

§ 6 — REMOVAL OF TOWN CLERK AND TREASURER

The bill eliminates the statutory process for removing a town clerk and treasurer (CGS §§ 7-22 & -81). Among other things, the bill removes the statutory requirement that the (1) state's attorney must investigate, charge, and prosecute written misconduct complaints to remove a town clerk or treasurer for willful and material neglect of duty or incompetence and (2) Superior Court provide a written order of such removal if the evidence warrants it. (Without the statutory procedure, it is unclear how such a town clerk or treasurer would be removed from office.)

§ 1 — STATE'S ATTORNEY AND SUPERIOR COURT'S JURISDICTION

The law prohibits anyone from (1) employing individuals receiving pay from the state (e.g., commissioners) for services rendered and performed in Hartford or (2) providing them certain incentives (e.g., entertainment or money) related to influencing legislation. The law also prohibits such state-compensated persons from receiving such incentives.

The bill changes the jurisdiction for complaints of a violation of this provision by requiring them to be filed with the chief state's attorney for trial in any Superior Court. Under current law, they must be filed with the state's attorney for the New Britain judicial district, with the trial held at the New Britain Superior Court.

§ 3 — ILLEGAL RECORDING OF PRIVATE TELEPHONE CONVERSATIONS

The law generally prohibits anyone from recording a private telephone conversation without consent, verbal notification, or an automatic warning.

Existing law exempts, among others, federal, state, or local criminal law enforcement officials who record telephonic communications in the lawful performance of their duties. The bill extends this exemption to such officials' agents and those requested or directed to do so by such officials or agents.

§ 4 — 2ND DEGREE ASSAULT WITH A FIREARM

The bill conforms the maximum penalties for 2nd degree assault with a firearm to the maximum penalties for the underlying 2nd degree assault offense (see BACKGROUND). But as under current law, the bill imposes a one year mandatory minimum to 2nd degree assault with a firearm sentences.

Under existing law, 2nd degree assault is a class D felony punishable by up to five years in prison, a fine up to \$5,000, or both. If it caused serious physical injury, it is a class C felony punishable by up to 10 years in prison, a fine up to \$10,000, or both. Under current law, 2nd degree assault with a firearm is a class D felony, but the bill increases the penalty to a class C felony if it caused serious physical injury. By law, a “serious physical injury” creates a substantial risk of death or causes serious disfigurement, impairment of health, or loss or impairment of an organ's function (CGS § 53a-3(4)).

By law, a person is guilty of 2nd degree assault with a firearm when he or she commits 2nd degree assault using or armed with a firearm and threatens use, displays, or represents that he or she possesses a firearm (CGS § 53a-60a).

§ 5 — CRIMINAL LOCKOUT

The bill extends protections against criminal lockout to commercial lessees.

Under the bill, a landlord, lessor, owner, or his or her agent is guilty of criminal lockout if he or she deprives a tenant, including lessees, access to a residential or nonresidential unit or the tenant’s possessions without a court order. Existing law already provides such protections to residential tenants, including lessees, sublessees, or individuals entitled under the rental agreement to occupy a residential unit to the exclusion of others.

By law, criminal lockout is a class C misdemeanor, punishable by up to three months in prison, up to a \$500 fine, or both.

§ 6 — STATE’S ATTORNEY’S ROLE REPEALED

The bill repeals a law that requires the Superior Court to (1) direct

another person to construct or alter a highway when a town fails to do so after the court orders it to comply and (2) grant a warrant, upon the state's attorney's complaint, against the town to collect the construction or alteration expense (CGS § 13a-69).

It also repeals a law that requires the state's attorney to file a complaint and seek further action against a railroad company that neglects to construct any highway or bridge which it has a duty to construct or maintain (CGS § 13b-305).

BACKGROUND

2nd Degree Assault

By law, a person commits 2nd degree assault when he or she does any of the following to someone:

1. intentionally causes serious physical injury;
2. intentionally causes physical injury by using a deadly weapon or dangerous instrument, other than discharging a firearm;
3. recklessly causes serious physical injury by using a deadly weapon or dangerous instrument;
4. for a purpose other than lawful medical or therapeutic treatment, intentionally causes stupor, unconsciousness, or other physical impairment or injury by administering, without the victim's consent, a drug, substance, or preparation capable of producing the same;
5. while on parole, intentionally causes physical injury to a Board of Pardons and Paroles employee or member; or
6. without provocation, strikes a person in the head, intentionally causing serious physical injury and rendering him or her unconscious (CGS § 53a-60).

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute

Yea 40 Nay 0 (04/09/2019)