



Senate

General Assembly

File No. 840

January Session, 2019

Substitute Senate Bill No. 964

Senate, April 29, 2019

The Committee on Judiciary reported through SEN. WINFIELD of the 10th Dist., Chairperson 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 (b) of section 17a-101 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective July*
3 *1, 2019*):

4 (b) The following persons shall be mandated reporters: (1) Any
5 physician or surgeon licensed under the provisions of chapter 370, (2)
6 any resident physician or intern in any hospital in this state, whether
7 or not so licensed, (3) any registered nurse, (4) any licensed practical
8 nurse, (5) any medical examiner, (6) any dentist, (7) any dental
9 hygienist, (8) any psychologist, (9) any school employee, as defined in
10 section 53a-65, (10) any social worker, (11) any person who holds or is
11 issued a coaching permit by the State Board of Education, is a coach of
12 intramural or interscholastic athletics and is eighteen years of age or
13 older, (12) any individual who is employed as a coach or director of
14 youth athletics and is eighteen years of age or older, (13) any
15 individual who is employed as a coach or director of a private youth

16 sports organization, league or team and is eighteen years of age or
17 older, (14) any paid administrator, faculty, staff, athletic director,
18 athletic coach or athletic trainer employed by a public or private
19 institution of higher education who is eighteen years of age or older,
20 excluding student employees, (15) any police officer, (16) any juvenile
21 or adult probation officer, (17) any juvenile or adult parole officer, (18)
22 any member of the clergy, (19) any pharmacist, (20) any physical
23 therapist, (21) any optometrist, (22) any chiropractor, (23) any
24 podiatrist, (24) any mental health professional, (25) any physician
25 assistant, (26) any person who is a licensed or certified emergency
26 medical services provider, (27) any person who is a licensed or
27 certified alcohol and drug counselor, (28) any person who is a licensed
28 marital and family therapist, (29) any person who is a sexual assault
29 counselor or a domestic violence counselor, as defined in section 52-
30 146k, (30) any person who is a licensed professional counselor, (31) any
31 person who is a licensed foster parent, (32) any person paid to care for
32 a child in any public or private facility, child care center, group child
33 care home or family child care home licensed by the state, (33) any
34 employee of the Department of Children and Families, (34) any
35 employee of the Department of Public Health, (35) any employee of the
36 Office of Early Childhood who is responsible for the licensing of child
37 care centers, group child care homes, family child care homes or youth
38 camps, (36) any paid youth camp director or assistant director, (37) the
39 Child Advocate and any employee of the Office of the Child Advocate,
40 (38) any person who is a licensed behavior analyst, [and] (39) any
41 family relations counselor, family relations counselor trainee or family
42 services supervisor employed by the Judicial Department, and (40) any
43 victim services advocate employed by the Judicial Department.

44 Sec. 2. Section 46b-44a of the general statutes is repealed and the
45 following is substituted in lieu thereof (*Effective October 1, 2019*):

46 (a) An action for a nonadversarial dissolution of marriage may be
47 commenced by the filing of a joint petition in the judicial district in
48 which one of the parties resides. The joint petition shall be notarized
49 and contain an attestation, under oath, by each party that the

50 conditions set forth in subsection (b) of this section exist.

51 (b) An action brought pursuant to subsection (a) of this section may
52 proceed if, at the time of the filing of the action, the parties attest,
53 under oath, that the following conditions exist: (1) The marriage has
54 broken down irretrievably; (2) the duration of the marriage does not
55 exceed nine years; (3) neither party to the action is pregnant; (4) no
56 children were born to or adopted by the parties prior to, or during, the
57 marriage; (5) neither party has any interest or title in real property; (6)
58 the total combined fair market value of all property owned by either
59 party, less any amount owed on such property, is less than eighty
60 thousand dollars; (7) neither party has a defined benefit pension plan;
61 (8) neither party has a pending petition for relief under the United
62 States Bankruptcy Code; (9) no other action for dissolution of marriage,
63 civil union, legal separation or annulment is pending in this state or in
64 a foreign jurisdiction, except as provided in subsection (g) of this
65 section; (10) a restraining order, issued pursuant to section 46b-15, or a
66 protective order, issued pursuant to section 46b-38c, between the
67 parties is not in effect; and (11) the residency provisions of section 46b-
68 44 have been satisfied. After the filing of the joint petition and prior to
69 the court entering a decree of dissolution of marriage pursuant to
70 section 46b-44c, if a change occurs with respect to any of the conditions
71 set forth in this subsection, one or both of the parties shall notify the
72 court forthwith of the changed condition. For the purposes of this
73 subsection, "defined benefit pension plan" means a pension plan in
74 which an employer promises to pay a specified monthly benefit upon
75 an employee's retirement that is predetermined by a formula based on
76 the employee's earnings history and tenure of service.

77 (c) In addition to attesting to the conditions enumerated in
78 subsection (b) of this section, any joint petition filed pursuant to
79 subsection (a) of this section shall also state the date and place of
80 marriage and the current residential address for each party.

81 (d) A joint petition shall be accompanied by financial affidavits
82 completed by each party on a form prescribed by the Office of the

83 Chief Court Administrator, a request for the court to order the
84 restoration of a birth name or former name, if so desired by either
85 party, and a certification attested to by the parties, under oath, that: (1)
86 The parties agree to proceed by consent and waive service of process,
87 except as provided in subsection (g) of this section; (2) neither party is
88 acting under duress or coercion; and (3) each party is waiving any
89 right to a trial, alimony, spousal support or an appeal.

90 (e) If the parties submit a settlement agreement to the court that
91 they are requesting be incorporated into the decree of dissolution, such
92 settlement agreement shall be filed with the joint petition. Each party
93 shall attest, under oath, that the terms of the settlement agreement are
94 fair and equitable. If the court finds that the settlement agreement is
95 fair and equitable, it shall be incorporated by reference into the decree
96 of the court. If the court cannot determine whether such agreement is
97 fair and equitable, the matter shall be docketed for the court's review
98 in accordance with the provisions of section 46b-44d.

99 (f) The provisions of subsection (a) of section 46b-67 shall not apply
100 to a nonadversarial dissolution action brought under this section.

101 (g) (1) If after filing an action for dissolution of marriage on the
102 regular family docket, pursuant to section 46b-45, but prior to the court
103 entering a decree of dissolution of marriage, the parties to such action
104 satisfy all the conditions for a nonadversarial dissolution of marriage
105 as set forth in this section, then such parties may file a joint petition for
106 a nonadversarial dissolution of marriage in the existing dissolution of
107 marriage action pursuant to subsection (a) of this section, except that
108 such joint petition need not include a waiver of service of process.
109 Upon the filing of such joint petition, the original complaint for
110 dissolution of marriage is deemed superseded by operation of law and
111 the action may proceed in the manner set forth in sections 46b-44b to
112 46b-44d, inclusive.

113 (2) No new filing fee shall be imposed by the court for a joint
114 petition filed pursuant to this subsection.

115 Sec. 3. Section 46b-136 of the general statutes is repealed and the
116 following is substituted in lieu thereof (*Effective July 1, 2019*):

117 (a) In any proceeding in a juvenile matter, the judge before whom
118 such proceeding is pending shall, even in the absence of a request to
119 do so, provide an attorney to represent the child or youth, the child's
120 or youth's parent or parents or guardian, or other person having
121 control of the child or youth, if such judge determines that the interests
122 of justice so require, and in any proceeding in which the custody of a
123 child is at issue, such judge shall provide an attorney to represent the
124 child and may authorize such attorney or appoint another attorney to
125 represent such child or youth, parent, guardian or other person on an
126 appeal from a decision in such proceeding. [Where]

127 (b) (1) When, under the provisions of this section, the court appoints
128 counsel in a proceeding in a juvenile matter in the civil session and
129 orders the Division of Public Defender Services to provide such
130 counsel, the cost of such counsel shall be shared as agreed to by the
131 Division of Public Defender Services and the Judicial Department.
132 When, under the provisions of this subdivision, the court so appoints
133 counsel for any party who is found able to pay, in whole or in part, the
134 cost thereof, the court shall assess as costs against such party,
135 including any agency vested with the legal custody of the child or
136 youth, the expense incurred and paid by the Division of Public
137 Defender Services and the Judicial Department in providing such
138 counsel, and order reimbursement to the Division of Public Defender
139 Services and the Judicial Department to the extent of the party's
140 financial ability to do so.

141 (2) When, under the provisions of this section, the court [so]
142 appoints counsel in a proceeding in a juvenile matter in the criminal
143 session and orders the Division of Public Defender Services to provide
144 such counsel, the cost of such counsel shall be incurred by the Division
145 of Public Defender Services. When, under the provisions of this
146 subdivision, the court so appoints counsel for any [such] party who is
147 found able to pay, in whole or in part, the cost thereof, the court shall

148 assess as costs against such [parents, guardian or custodian] party,
149 including any agency vested with the legal custody of the child or
150 youth, the expense [so] incurred and paid by the Division of Public
151 Defender Services in providing such counsel, and order
152 reimbursement to the Division of Public Defender Services to the
153 extent of [their] the party's financial ability to do so.

154 (c) The Division of Public Defender Services shall establish the rate
155 at which counsel provided pursuant to this section shall be
156 compensated.

157 Sec. 4. Subsection (a) of section 54-1g of the general statutes is
158 repealed and the following is substituted in lieu thereof (*Effective*
159 *October 1, 2019*):

160 (a) Any arrested person who is not released sooner or who is
161 charged with a family violence crime, as defined in section 46b-38a, or
162 a violation of section 53a-181c, 53a-181d or 53a-181e shall be promptly
163 presented before the superior court sitting next regularly for the
164 geographical area where the offense is alleged to have been committed.
165 If an arrested person is hospitalized, or has escaped or is otherwise
166 incapacitated, the person shall be presented, if practicable, to the first
167 regular sitting after return to police custody. Upon a finding of good
168 cause shown that is placed on the record, the judicial authority may
169 waive the presence of the defendant at the arraignment.

170 Sec. 5. Section 51-60 of the general statutes is repealed and the
171 following is substituted in lieu thereof (*Effective July 1, 2019*):

172 (a) As used in this chapter:

173 (1) "State's attorney" means a state's attorney, assistant state's
174 attorney, deputy assistant state's attorney and special deputy assistant
175 state's attorney;

176 (2) "Public defender" means a public defender, assistant public
177 defender, deputy assistant public defender and Division of Public
178 Defender Services assigned counsel;

179 (3) "Public official" means any official of (A) the state, (B) any state
180 agency, board or commission, or (C) a municipality of the state acting
181 in an official capacity;

182 (4) "Transcript" means the official written record of a proceeding, or
183 any part thereof, including, but not limited to, testimony and
184 arguments of counsel, produced in the Superior, Appellate or Supreme
185 Court, by an official court reporter or a court recording monitor
186 designated by the Chief Court Administrator; and

187 (5) "Transcript page" means a page consisting of twenty-seven
188 double-spaced lines on paper eight and one-half by eleven inches in
189 size, with sixty spaces available per line.

190 [(a)] (b) The judges of the Superior Court shall appoint official court
191 reporters for the court as the judges or an authorized committee
192 thereof determines the business of the court requires.

193 [(b) A person shall not be appointed a court reporter under the
194 provisions of this section who has not passed the entry level
195 examination provided for under section 51-63 and a reporter shall not
196 be placed in the higher court reporter salary classification who has not
197 passed the examination provided for in said section for such higher
198 classification, provided each person serving on July 1, 1978, as a court
199 reporter or assistant court reporter in the Court of Common Pleas shall
200 continue to serve in the Superior Court for the balance of the term for
201 which he was appointed. In no event shall the compensation of such
202 person be affected solely as a result of the transfer of jurisdiction
203 provided in section 51-164s.]

204 (c) The Chief Court Administrator shall adopt policies and
205 procedures necessary to implement the provisions of this chapter,
206 including, but not limited to, the establishment and administration of a
207 system of fees for production of expedited transcripts.

208 Sec. 6. Section 51-61 of the general statutes is repealed and the
209 following is substituted in lieu thereof (*Effective July 1, 2019*):

210 (a) Each official court reporter, before entering upon the duties of
211 [his] the office, shall be sworn to faithfully perform [them] such duties
212 and shall then be an officer of the court. [He shall] Each official court
213 reporter may attend [the] court proceedings and make accurate records
214 of all proceedings in the court, except sessions of small claims. [and the
215 arguments of counsel, provided upon the request of any party, he shall
216 make accurate records of the arguments of counsel.]

217 (b) [Each official court reporter shall, if the judge or judges of the
218 court so direct, employ assistant court reporters and monitors to attend
219 such court as the judge or judges may desire. He shall not employ
220 assistant reporters or monitors receiving a per diem rate to attend any
221 session unless their employment is authorized by the judge holding
222 the session. Each assistant court reporter or monitor, before entering
223 upon his duties, shall be sworn to faithfully perform them.] The
224 Judicial Branch shall employ court recording monitors. Each court
225 recording monitor, before entering upon the duties of the office, shall
226 be sworn to faithfully perform such duties.

227 (c) Each official court reporter [, assistant court reporter] and court
228 recording monitor shall, when requested, furnish to the court, to the
229 state's attorney, [or any assistant or deputy assistant state's attorney,]
230 to any party of record and to any other person, within a reasonable
231 time, a transcript [of the proceedings, or such portion thereof] as may
232 be desired, except that, if the proceedings were closed to the public,
233 such official court reporter or court recording monitor shall not furnish
234 such transcript [or portion thereof] to such other person unless [the
235 proceedings were commenced on or after October 1, 1988, and] the
236 court in its discretion determines that such disclosure is appropriate.

237 [(d) Whenever a transcript of proceedings, or a portion thereof, has
238 been requested by any party of record pursuant to subsection (c) of
239 this section, the court reporter or monitor shall furnish a transcript or
240 portion thereof to the state's attorney, assistant state's attorney or
241 deputy assistant state's attorney at no cost as provided in subsection (c)
242 of section 51-63.

243 (e) Whenever a transcript of proceedings, or a portion thereof, has
244 been requested by the state's attorney, assistant state's attorney or
245 deputy assistant state's attorney and the public defender, assistant
246 public defender or deputy assistant public defender, the court reporter
247 or monitor shall provide a transcript or portion thereof, in a form that
248 may be photocopied, to either such state's attorney or such public
249 defender and the cost of such transcript, or portion thereof, shall be
250 shared by such state's attorney and such public defender.]

251 (d) Each official court reporter and court recording monitor shall
252 inform the state's attorney whenever a transcript has been requested
253 by a party to a case in which the state's attorney has an appearance. If
254 such request is made by a party, or by a party represented by counsel
255 other than a public defender, the state's attorney shall, upon request,
256 receive from such official court reporter or court recording monitor a
257 copy of the transcript at no cost, as provided in subsection (a) of
258 section 51-63, as amended by this act.

259 (e) If a transcript has been requested by the state's attorney or a
260 public defender in a matter in which each is a party to the case, the
261 official court reporter or the court recording monitor shall inform the
262 party that has not made the original request that the request has been
263 made. If the nonrequesting party requests a copy of the transcript,
264 prior to its delivery to the requesting party, the cost of such transcript
265 shall be shared by the parties. The official court reporter or the court
266 recording monitor shall provide the transcript in a form that may be
267 photocopied, to either the state's attorney or the public defender. If a
268 request for a transcript is received by the official court reporter or court
269 recording monitor subsequent to delivery of the transcript, the
270 requesting party in this instance shall be responsible for payment of
271 the full copy rate of such transcript as provided in subsection (a) of
272 section 51-63, as amended by this act.

273 (f) Each official court reporter [, assistant court reporter] and court
274 recording monitor shall inform the court whenever a transcript of
275 proceedings [, or a portion thereof,] has been requested by the state's

276 attorney [, assistant or deputy assistant state's attorney] or any party of
277 record pursuant to subsection (c) of this section. If such transcript [or
278 portion thereof] has been requested, the court, upon request, shall
279 receive from such official court reporter or court recording monitor a
280 transcript [, or portion thereof,] at no cost as provided in subsection
281 [(c)] (a) of section 51-63, as amended by this act.

282 (g) Whenever the court deems it necessary, it may order a transcript
283 [of the proceedings, or any part thereof,] to be filed with the clerk of
284 the trial court.

285 [(h) All records of the proceedings taken on the trial of any action
286 shall, within thirty days after the action has been submitted, be filed
287 with the clerk or the clerk's designee, except that for the purpose of
288 transcribing such records the court reporter or monitor may at any
289 time withdraw them for a reasonable time.]

290 Sec. 7. Section 51-62 of the general statutes is repealed and the
291 following is substituted in lieu thereof (*Effective July 1, 2019*):

292 (a) Whenever a judge of the Superior Court, a judge trial referee or a
293 family support magistrate sitting in chambers [, a family support
294 magistrate or a state referee] deems it necessary, the judge, [or referee]
295 judge trial referee or family support magistrate may call upon the
296 official court reporter or court recording monitor for the judicial
297 district in which any action pending [before the judge sitting in
298 chambers, family support magistrate or state referee] is to be heard to
299 take the evidence therein. The judge, [magistrate or referee] judge trial
300 referee or family support magistrate shall have and may exercise all
301 the powers conferred by law upon a judge of the Superior Court when
302 sitting as a court, with respect to transcripts of the official records of
303 the official court reporter or court recording monitor.

304 (b) The official court reporter or court recording monitor when
305 called upon [, or a competent assistant designated by him,] shall attend
306 the hearings, and shall have all the powers, be subject to the same
307 duties and receive the same compensation for attendance and fees for

308 transcripts of [his] the official records as are authorized by law. [for
309 official court reporters of the Superior Court.]

310 [(c) Compensation for attendance and fees for copies ordered by the
311 judge or state referee, when approved, shall be paid by the clerk of the
312 superior court for the judicial district in which the action is heard in
313 the same manner as other court expenses.]

314 Sec. 8. Section 51-63 of the general statutes is repealed and the
315 following is substituted in lieu thereof (*Effective July 1, 2019*):

316 [(a) Each official court reporter of the Superior Court, and as many
317 assistant reporters as the judges of the Superior Court consider
318 necessary, shall receive a salary. Each other assistant reporter shall
319 receive a per diem rate fixed by the judges, to be paid as court
320 expenses.

321 (b) The salaries of the court reporters and assistant court reporters
322 shall be established as provided in section 51-12 and shall be in two
323 classes. Examinations shall be held to determine level of skills and
324 placement in a class.

325 (c) In addition to other compensation, official and assistant reporters
326 and monitors shall be entitled to charge a party or other individual
327 three dollars for each transcript page which is or previously was
328 transcribed from the original record as provided by law, provided the
329 charge to any such party or other individual shall be one dollar and
330 seventy-five cents for each page for which a charge of three dollars
331 already has been made, except that (1) the charge to any official of the
332 state, or any of its agencies, boards or commissions or of any
333 municipality of the state, acting in his or her official capacity, shall be
334 two dollars for each transcript page which is or previously was
335 transcribed from the official record, provided the charge to any such
336 official shall be seventy-five cents for each page for which a charge of
337 two dollars already has been made, (2) there shall be no charge to the
338 state's attorney, assistant state's attorney or deputy assistant state's
339 attorney for a transcript provided pursuant to subsection (d) of section

340 51-61, and (3) there shall be no charge to the court for a transcript
341 provided pursuant to subsection (f) of section 51-61. For the purposes
342 of this subsection, "transcript page" means a page consisting of twenty-
343 seven double-spaced lines on paper eight and one-half by eleven
344 inches in size, with sixty spaces available per line. The Chief Court
345 Administrator shall adopt policies and procedures necessary to
346 implement the provisions of this section, including, but not limited to,
347 the establishment and administration of a system of fees for
348 production of expedited transcripts.]

349 (a) (1) In addition to a salary, an official court reporter and a court
350 recording monitor shall be entitled to charge an individual, who is not
351 a public official, three dollars for each transcript page which is ordered
352 and transcribed from the original record as provided by law, provided
353 such rate may only be charged once. Any subsequent charge for a
354 transcript page previously produced for an individual who is not a
355 public official shall be one dollar and seventy-five cents.

356 (2) In addition to a salary, an official court reporter and a court
357 recording monitor shall be entitled to charge any public official two
358 dollars for each transcript page which is ordered and transcribed from
359 the official record as provided by law, provided such rate may only be
360 charged once. The charge to any public official shall be seventy-five
361 cents for each transcript page previously produced, except (A) there
362 shall be no charge to the state's attorney for a transcript provided
363 pursuant to subsection (d) of section 51-61, as amended by this act, and
364 (B) there shall be no charge to the court for a transcript provided
365 pursuant to subsection (f) of section 51-61, as amended by this act.

366 [(d)] (b) The fee for a transcript of such record, when made for the
367 court or for the state's attorney when acting in [his] the court's or
368 state's attorney's official capacity, and for one copy each to the plaintiff
369 and the defendant, shall, upon the certificate of the presiding judge
370 having so ordered such transcript, be paid as other court expenses and,
371 in all other cases, by the party ordering the same, and such copies shall
372 be furnished within a reasonable time.

373 [(e)] (c) Official and assistant stenographers in the offices of the
374 workers' compensation commissioners shall be entitled, in addition to
375 the compensation otherwise provided for, to the same fees for
376 preparing transcripts as are provided for official court reporters and
377 court recording monitors in the Superior Court.

378 [(f) Official court reporters shall be allowed such clerical assistance
379 in each judicial district as may be determined to be necessary by the
380 judges of the Superior Court at such compensation as may be fixed by
381 the judges.

382 (g) Official court reporters and assistant reporters shall receive, in
383 addition to the compensation allowed by law, necessary traveling
384 expenses to be taxed and paid as other court expenses.]

385 Sec. 9. Section 51-74 of the general statutes is repealed and the
386 following is substituted in lieu thereof (*Effective October 1, 2019*):

387 [(a)] The record of proceedings in any court required to be made by
388 an official court reporter [, assistant court reporter, stenographer or
389 assistant stenographer may in the first instance be made by shorthand,
390 by shorthand writing machine, or by a mechanical or sound recording
391 device] or court recording monitor shall be made by digital recording
392 equipment approved by the Chief Justice of the Supreme Court.

393 [(b) Whenever the general statutes provide that a court reporter or
394 stenographer attend a court, or be appointed to attend a court, to make
395 a record of the proceedings therein, the court reporter or stenographer
396 may be a person competent to make the record by shorthand, by a
397 shorthand writing machine or by an approved mechanical or sound
398 recording device.

399 (c) The term "shorthand notes", "stenographic notes" or "official
400 notes", when used in the general statutes to mean the original record of
401 court proceedings, shall include the record made by a shorthand
402 writing machine or other approved mechanical or sound recording
403 device.]

404 Sec. 10. Section 51-197a of the general statutes is repealed and the
405 following is substituted in lieu thereof (*Effective January 1, 2020*):

406 (a) Appeals and writs of error from final judgments or actions of the
407 Superior Court shall be taken to the Appellate Court in accordance
408 with section 51-197c, except for small claims, which are not appealable,
409 [appeals within the jurisdiction of the Supreme Court as provided for
410 in section 51-199,] appeals as provided for in sections 8-8 and 8-9, and
411 except as otherwise provided by statute.

412 (b) The Appellate Court may issue all writs necessary or appropriate
413 in aid of its jurisdiction and agreeable to the usages and principles of
414 law.

415 (c) All matters pending in the appellate session of the Superior
416 Court on July 1, 1983, shall be construed as pending with the same
417 status in the Appellate Court on said date.

418 (d) Notwithstanding subsection (c) of this section, the appellate
419 session of the Superior Court shall continue to have jurisdiction over
420 appeals which it heard prior to July 1, 1983, pursuant to the provisions
421 which were applicable at such time.

422 (e) Except as otherwise provided in sections 2-40, 2-42, 7-143, 7-230,
423 8-8, 8-9, 8-132, 8-132a, 10-153e, 12-4, 13a-76, 31-109, 31-118, 31-249b, 31-
424 272, 31-301b, 31-301c, 31-324, 31-491, 31-493, 38a-470, 46a-94, 46a-95,
425 46b-142, 46b-143, 46b-150c, 51-1a, 51-14, 51-49, 51-50j, 51-164x, 51-165,
426 51-197a, as amended by this act, 51-197b, 51-197c, 51-197e, 51-197f, [51-
427 199,] 51-201, 51-202, 51-203, 51-209, 51-210, 51-211, 51-213, 51-215a, 51-
428 216a, 52-235, 52-257, 52-259, 52-263, 52-267, 52-405, 52-434, 52-434a, 52-
429 470, 52-476, 52-477, 52-592, 54-63g, 54-95, 54-96, 54-96a, 54-96b and 54-
430 143, all jurisdiction conferred upon and exercised by the appellate
431 session prior to July 1, 1983, of the Superior Court shall be transferred
432 to the Appellate Court.

433 Sec. 11. Subsection (b) of section 51-199 of the general statutes is
434 repealed and the following is substituted in lieu thereof (*Effective*

435 *January 1, 2020*):

436 (b) The following matters shall be taken directly to the Supreme
437 Court: (1) Any matter brought pursuant to the original jurisdiction of
438 the Supreme Court under section 2 of article sixteen of the
439 amendments to the Constitution; (2) an appeal in any matter where the
440 Superior Court declares invalid a state statute or a provision of the
441 state Constitution; (3) an appeal in any criminal action involving a
442 conviction for a capital felony under the provisions of section 53a-54b
443 in effect prior to April 25, 2012, class A felony or any other felony,
444 including any persistent offender status, for which the maximum
445 sentence which may be imposed exceeds twenty years; (4) review of a
446 sentence of death pursuant to section 53a-46b; (5) any election or
447 primary dispute brought to the Supreme Court pursuant to section 9-
448 323 or 9-325; (6) an appeal of any reprimand or censure of a probate
449 judge pursuant to section 45a-65; (7) any matter regarding judicial
450 removal or suspension pursuant to section 51-51j; (8) an appeal of any
451 decision of the Judicial Review Council pursuant to section 51-51r; (9)
452 any matter brought to the Supreme Court pursuant to section 52-265a;
453 and (10) [writs of error; and (11)] any other matter as provided by law.

454 Sec. 12. Section 51-292 of the general statutes is repealed and the
455 following is substituted in lieu thereof (*Effective July 1, 2019*):

456 [Reasonable] Except as provided in section 46b-136, as amended by
457 this act, reasonable expenses of, or incurred by, the commission, the
458 Chief Public Defender, or those serving pursuant to the provisions of
459 this chapter, including rental of facilities, witnesses summoned, costs
460 of transcripts ordered from the official court reporters or court
461 recording monitors, costs of service of process, and costs of equipment,
462 and other necessary disbursements or costs of defense shall be paid
463 from the budget of the commission upon approval of the commission.

464 Sec. 13. Section 54-91a of the general statutes is repealed and the
465 following is substituted in lieu thereof (*Effective October 1, 2019*):

466 (a) No defendant convicted of a crime, other than a capital felony

467 under the provisions of section 53a-54b in effect prior to April 25, 2012,
468 or murder with special circumstances under the provisions of section
469 53a-54b in effect on or after April 25, 2012, the punishment for which
470 may include imprisonment for more than one year, may be sentenced,
471 or the defendant's case otherwise disposed of, until a written report of
472 investigation by a probation officer has been presented to and
473 considered by the court, if the defendant is so convicted for the first
474 time in this state or upon any conviction of a felony involving family
475 violence pursuant to section 46b-38a for which the punishment may
476 include imprisonment; but any court may, in its discretion, order a
477 presentence investigation for a defendant convicted of any crime or
478 offense other than a capital felony under the provisions of section 53a-
479 54b in effect prior to April 25, 2012, or murder with special
480 circumstances under the provisions of section 53a-54b in effect on or
481 after April 25, 2012.

482 (b) A defendant who is convicted of a crime and is not eligible for
483 sentence review pursuant to section 51-195 may, with the consent of
484 the sentencing judge and the prosecuting official, waive the
485 presentence investigation, except that the presentence investigation
486 may not be waived when the defendant is convicted of a felony
487 involving family violence pursuant to section 46b-38a and the
488 punishment for which may include imprisonment.

489 (c) Whenever an investigation is required, the probation officer shall
490 promptly inquire into the circumstances of the offense, the attitude of
491 the complainant or victim, or of the immediate family where possible
492 in cases of homicide, and the criminal record, social history and
493 present condition of the defendant. Such investigation shall include an
494 inquiry into any damages suffered by the victim, including medical
495 expenses, loss of earnings and property loss. All local and state police
496 agencies shall furnish to the probation officer such criminal records as
497 the probation officer may request. When in the opinion of the court or
498 the investigating authority it is desirable, such investigation shall
499 include a physical and mental examination of the defendant. If the
500 defendant is committed to any institution, the investigating agency

501 shall send the reports of such investigation to the institution at the time
502 of commitment.

503 (d) In lieu of ordering a full presentence investigation, the court may
504 order an abridged version of such investigation, which (1) shall contain
505 (A) identifying information about the defendant, (B) information about
506 the pending case from the record of the court, (C) the circumstances of
507 the offense, (D) the attitude of the complainant or victim, (E) any
508 damages suffered by the victim, including medical expenses, loss of
509 earnings and property loss, and (F) the criminal record of the
510 defendant, and (2) may encompass one or more areas of the social
511 history and present condition of the defendant, including family
512 background, significant relationships or children, educational
513 attainment or vocational training, employment history, financial
514 situation, housing situation, medical status, mental health status,
515 substance abuse history, the results of any clinical evaluation
516 conducted of the defendant or any other information required by the
517 court that is consistent with the provisions of this section. If the court
518 orders an abridged version of such investigation for a felony involving
519 family violence, as defined in section 46b-38a, the abridged version of
520 such investigation shall, in addition to the information set forth in
521 subdivision (1) of this subsection, contain the following information
522 concerning the defendant: (A) Family background, (B) significant
523 relationships of children, (C) mental health status, and (D) substance
524 abuse history.

525 [(d)] (e) Any information contained in the files or report of an
526 investigation pursuant to this section shall be available to the Court
527 Support Services Division for the purpose of performing the duties
528 contained in section 54-63d and to the Department of Mental Health
529 and Addiction Services for purposes of diagnosis and treatment.

530 Sec. 14. Subsection (a) of section 54-210 of the general statutes is
531 repealed and the following is substituted in lieu thereof (*Effective July*
532 *1, 2019*):

533 (a) The Office of Victim Services or a victim compensation

534 commissioner may order the payment of compensation under sections
535 54-201 to 54-218, inclusive, for: (1) Expenses actually and reasonably
536 incurred as a result of the personal injury or death of the victim,
537 provided coverage for the cost of medical care and treatment of a
538 crime victim who does not have medical insurance or who has
539 exhausted coverage under applicable health insurance policies or
540 Medicaid shall be ordered; (2) loss of earning power as a result of total
541 or partial incapacity of such victim; (3) pecuniary loss to the spouse or
542 dependents of the deceased victim, provided the family qualifies for
543 compensation as a result of murder or manslaughter of the victim; (4)
544 pecuniary loss to an injured victim or the relatives or dependents of an
545 injured victim or a deceased victim for attendance at court
546 proceedings, juvenile proceedings and Board of Pardons and Parole
547 hearings with respect to the criminal case of the person or persons
548 charged with committing the crime that resulted in the injury or death
549 of the victim; (5) loss of wages by any parent or guardian of a deceased
550 victim, provided the amount paid under this subsection shall not
551 exceed one week's net wage; and (6) any other loss, except as set forth
552 in section 54-211, resulting from the personal injury or death of the
553 victim which the Office of Victim Services or a victim compensation
554 commissioner, as the case may be, determines to be reasonable.

555 Sec. 15. Subdivision (2) of subsection (b) of section 1-206 of the
556 general statutes is repealed and the following is substituted in lieu
557 thereof (*Effective October 1, 2019*):

558 (2) In any appeal to the Freedom of Information Commission under
559 subdivision (1) of this subsection or subsection (c) of this section, the
560 commission may confirm the action of the agency or order the agency
561 to provide relief that the commission, in its discretion, believes
562 appropriate to rectify the denial of any right conferred by the Freedom
563 of Information Act. The commission may declare null and void any
564 action taken at any meeting which a person was denied the right to
565 attend and may require the production or copying of any public
566 record. In addition, upon the finding that a denial of any right created
567 by the Freedom of Information Act was without reasonable grounds

568 and after the custodian or other official directly responsible for the
569 denial has been given an opportunity to be heard at a hearing
570 conducted in accordance with sections 4-176e to 4-184, inclusive, the
571 commission may, in its discretion, impose against the custodian or
572 other official a civil penalty of not less than twenty dollars nor more
573 than one thousand dollars. If the commission finds that a person has
574 taken an appeal under this subsection frivolously, without reasonable
575 grounds and solely for the purpose of harassing the agency from
576 which the appeal has been taken, after such person has been given an
577 opportunity to be heard at a hearing conducted in accordance with
578 sections 4-176e to 4-184, inclusive, the commission may, in its
579 discretion, impose against that person a civil penalty of not less than
580 twenty dollars nor more than one thousand dollars. The commission
581 shall notify a person of a penalty levied against him pursuant to this
582 subsection by written notice sent by certified or registered mail. If a
583 person fails to pay the penalty within thirty days of receiving such
584 notice, the [superior court for the judicial district of Hartford] Superior
585 Court shall, on application of the commission, issue an order requiring
586 the person to pay the penalty imposed. If the executive director of the
587 commission has reason to believe an appeal under subdivision (1) of
588 this subsection or subsection (c) of this section (A) presents a claim
589 beyond the commission's jurisdiction; (B) would perpetrate an
590 injustice; or (C) would constitute an abuse of the commission's
591 administrative process, the executive director shall not schedule the
592 appeal for hearing without first seeking and obtaining leave of the
593 commission. The commission shall provide due notice to the parties
594 and review affidavits and written argument that the parties may
595 submit and grant or deny such leave summarily at its next regular
596 meeting. The commission shall grant such leave unless it finds that the
597 appeal: (i) Does not present a claim within the commission's
598 jurisdiction; (ii) would perpetrate an injustice; or (iii) would constitute
599 an abuse of the commission's administrative process. Any party
600 aggrieved by the commission's denial of such leave may apply to the
601 superior court for the judicial district of [Hartford] New Britain, within
602 fifteen days of the commission meeting at which such leave was

603 denied, for an order requiring the commission to hear such appeal.

604 Sec. 16. Subsections (f) and (g) of section 46b-231 of the general
605 statutes are repealed and the following is substituted in lieu thereof
606 (*Effective July 1, 2019*):

607 (f) (1) (A) The Family Support Magistrate Division shall include nine
608 family support magistrates who shall, (i) prior to January 1, 2017, be
609 appointed by the Governor to serve in that capacity for a term of three
610 years, and (ii) on and after January 1, 2017, be nominated by the
611 Governor and appointed by the General Assembly to serve in that
612 capacity for a term of five years, except that each family support
613 magistrate serving on December 31, 2016, shall continue to serve in
614 that capacity on and after January 1, 2017, until the expiration of such
615 magistrate's three-year term, unless removed from office pursuant to
616 this subsection. [, and shall continue to serve after the expiration of
617 such three-year term until a successor is appointed or the family
618 support magistrate's nomination has failed to be approved in
619 accordance with this subsection.] A family support magistrate may be
620 nominated by the Governor for reappointment. If a family support
621 magistrate continues to serve after the expiration of such three-year
622 term and such family support magistrate is nominated by the
623 Governor for reappointment, the family support magistrate's five-year
624 term shall begin on the date that the General Assembly approves the
625 nomination for reappointment pursuant to subdivision (3) of this
626 subsection.

627 (B) To be eligible for nomination as a family support magistrate, a
628 person shall have engaged in the practice of law for five years prior to
629 appointment and be experienced in the field of family law. The family
630 support magistrate shall devote full time to the duties of a family
631 support magistrate and shall not engage in the private practice of law.
632 A family support magistrate may be removed from office by the
633 Governor for cause and is subject to admonishment, censure,
634 suspension and removal from office as provided in chapter 872a.

635 (2) Each nomination made by the Governor to the General

636 Assembly for a family support magistrate shall be referred, without
637 debate, to the committee on the judiciary, which shall report thereon
638 within thirty legislative days from the time of reference, but not later
639 than seven legislative days before the adjourning of the General
640 Assembly.

641 (3) Each appointment of a family support magistrate shall be by
642 concurrent resolution. The action on the passage of each such
643 resolution in the House of Representatives and in the Senate shall be
644 by vote taken on the electrical roll-call device. No resolution shall
645 contain the name of more than one nominee. The Governor shall,
646 within five days after the Governor has notice that any family support
647 magistrate nomination has failed to be approved by the affirmative
648 concurrent action of both houses of the General Assembly, make
649 another nomination to such office.

650 (4) Notwithstanding the provisions of section 4-19, no vacancy in
651 the position of a family support magistrate shall be filled by the
652 Governor when the General Assembly is not in session unless, prior to
653 such filling, the Governor submits the name of the proposed vacancy
654 appointee to the committee on the judiciary. Within forty-five days, the
655 committee on the judiciary may, upon the call of either chairperson,
656 hold a special meeting for the purpose of approving or disapproving
657 such proposed vacancy appointee by majority vote. The Governor
658 shall not administer the oath of office to such proposed vacancy
659 appointee until the committee has approved such proposed vacancy
660 appointee. If the committee determines that it cannot complete its
661 investigation and act on such proposed vacancy appointee within such
662 forty-five-day period, it may extend such period by an additional
663 fifteen days. The committee shall notify the Governor in writing of any
664 such extension. Failure of the committee to act on such proposed
665 vacancy appointee within such forty-five-day period or any fifteen-day
666 extension period shall be deemed to be an approval.

667 (5) Prior to a public hearing on a family support magistrate, the
668 committee on the judiciary may employ a person to investigate, at the

669 request of the chairpersons of said committee, any family support
670 magistrate nominee with respect to the suitability of such nominee for
671 magisterial office. Such investigator shall report his or her findings to
672 said committee and any such report shall be confidential and shall not
673 be subject to public disclosure. Such person shall receive such
674 compensation as may be fixed by the Joint Committee on Legislative
675 Management for each day such person is engaged in his or her duties
676 as an investigator.

677 (g) A Chief Family Support Magistrate shall be designated by the
678 Chief Court Administrator of the Superior Court from among the nine
679 family support magistrates appointed pursuant to subsection (f) of this
680 section, except that the Chief Family Support Magistrate serving in
681 that capacity on December 31, 2016, shall continue to serve in that
682 capacity on and after January 1, 2017, until the expiration of such
683 family support magistrate's term, unless [a successor is designated by
684 the Chief Court Administrator or] such family support magistrate is
685 removed from office pursuant to subsection (f) of this section. [or such
686 family support magistrate's nomination has failed to be approved in
687 accordance with subsection (f) of this section.] Under the direction of
688 the Chief Court Administrator, the Chief Family Support Magistrate
689 shall supervise the Family Support Magistrate Division and perform
690 such other duties as provided in this section.

691 Sec. 17. Subsection (b) of section 52-190a of the general statutes is
692 repealed and the following is substituted in lieu thereof (*Effective*
693 *October 1, 2019*):

694 (b) Upon petition to the clerk of [the court where the civil action will
695 be filed] any superior court or any federal district court to recover
696 damages resulting from personal injury or wrongful death, an
697 automatic ninety-day extension of the statute of limitations shall be
698 granted to allow the reasonable inquiry required by subsection (a) of
699 this section. This period shall be in addition to other tolling periods.

700 Sec. 18. Subsection (c) of section 52-196a of the general statutes is
701 repealed and the following is substituted in lieu thereof (*Effective July*

702 1, 2019):

703 (c) Any party filing a special motion to dismiss shall file such
 704 motion not later than thirty days after the [date of] return date of the
 705 complaint, or the filing of a counterclaim or cross claim described in
 706 subsection (b) of this section. The court, upon a showing of good cause
 707 by a party seeking to file a special motion to dismiss, may extend the
 708 time to file a special motion to dismiss.

709 Sec. 19. Section 51-65 of the general statutes is repealed. (*Effective*
 710 *July 1, 2019*)

711 Sec. 20. Section 52-158 of the general statutes is repealed. (*Effective*
 712 *October 1, 2019*)

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2019</i>	17a-101(b)
Sec. 2	<i>October 1, 2019</i>	46b-44a
Sec. 3	<i>July 1, 2019</i>	46b-136
Sec. 4	<i>October 1, 2019</i>	54-1g(a)
Sec. 5	<i>July 1, 2019</i>	51-60
Sec. 6	<i>July 1, 2019</i>	51-61
Sec. 7	<i>July 1, 2019</i>	51-62
Sec. 8	<i>July 1, 2019</i>	51-63
Sec. 9	<i>October 1, 2019</i>	51-74
Sec. 10	<i>January 1, 2020</i>	51-197a
Sec. 11	<i>January 1, 2020</i>	51-199(b)
Sec. 12	<i>July 1, 2019</i>	51-292
Sec. 13	<i>October 1, 2019</i>	54-91a
Sec. 14	<i>July 1, 2019</i>	54-210(a)
Sec. 15	<i>October 1, 2019</i>	1-206(b)(2)
Sec. 16	<i>July 1, 2019</i>	46b-231(f) and (g)
Sec. 17	<i>October 1, 2019</i>	52-190a(b)
Sec. 18	<i>July 1, 2019</i>	52-196a(c)
Sec. 19	<i>July 1, 2019</i>	Repealer section
Sec. 20	<i>October 1, 2019</i>	Repealer section

Statement of Legislative Commissioners:

In Section 2, provisions of the first sentence in subsection (g)(1) were redrafted for clarity; in Section 5(a)(2) "special public defender" was changed to "Division of Public Defender Services assigned counsel" for consistency with other provisions of the general statutes; in Section 6, references to "subsection (c) of section 51-63" were changed to "subsection (a) of section 51-63" for accuracy; and provisions of Section 16(f)(1)(A) and 16(g) were redrafted for consistency with Section 16(f)(1)(B).

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:

Agency Affected	Fund-Effect	FY 20 \$	FY 21 \$
Judicial Dept.	GF - Cost	approx. 250,000 annually	approx. 250,000 annually
Pub. Defender Serv. Com.	GF - Savings	approx. 250,000 annually	approx. 250,000 annually

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill requires the Judicial Department (JUD) to share the cost for appointing interest of justice (IOJ) counsel with Division of Public Defender Service (PDS). Currently PDS expends approximately \$500,000 annually for IOJ appointments. The bill results in a cost of approximately \$250,000 to JUD and corresponding savings to PDS of the same amount.

The bill makes various other changes that do not result in a fiscal impact.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

OLR Bill Analysis**sSB 964*****AN ACT CONCERNING COURT OPERATIONS.*****SUMMARY**

This bill makes changes in various laws related to court operations and judicial employees. Among other things, it makes various changes in the laws related to court reporters, monitors, and transcripts. For example, it eliminates a requirement that court reporters employ assistant court reporters, modifies the circumstances in which the state's attorney automatically receives copies of transcripts, and requires court proceedings to be digitally recorded.

It also:

1. adds victim services advocates employed by the judicial department to the list of professionals who the law designates as mandated reporters of child abuse and neglect (§ 1);
2. allows parties who have filed for divorce to subsequently file for a non-adversarial divorce without an additional filing fee if they satisfy certain eligibility criteria (§ 2);
3. requires the division of public defender services and the judicial department to share the cost of counsel appointed in certain juvenile court proceedings (§§ 3 & 12);
4. permits the court to waive the presence of a defendant at his or her criminal arraignment upon a finding of good cause shown that is placed on the record (§ 4);
5. specifies that writs of error from Superior Court final judgments or actions fall within the jurisdiction of the Appellate Court, rather than the Supreme Court as under current law (§§ 10 - 11);

6. allows the court, following a criminal conviction, to order an abridged presentence investigation (PSI) in lieu of a full PSI (§ 13);
7. allows the Office of Victims Services or a victims compensation commissioner to order compensation for pecuniary loss to an injured victim or the relatives or dependents of an injured or deceased victim for attendance at juvenile proceedings and Board of Pardons and Parole hearings (§ 14);
8. (a) expands the courts to which the Freedom of Information (FOI) commission may apply for a penalty against a person who has failed to pay a fine for filing a frivolous complaint and (b) moves appeals from certain commission decisions from the Hartford Judicial District to the New Britain Judicial District (§ 15);
9. appears to specify that a family support magistrate cannot serve after his or her term has expired unless the governor nominates him or her for reappointment (§ 16);
10. expands the courts where a medical malpractice claim automatically triggers a 90-day statute of limitations extension under certain circumstances (§ 17);
11. repeals a law that permits a legally taken deposition to be admissible and used by either party in an appellate court or tribunal proceeding where the evidence is competent (§ 20); and
12. makes minor, technical, and conforming changes (§ 18 and throughout).

EFFECTIVE DATE: July 1, 2019, except provisions pertaining to (1) non-adversarial divorce, appearances at arraignments, digital court proceeding recordings, victim compensation, FOI appeals, statutes of limitations for certain civil claims, and depositions are effective October 1, 2019, and (2) writs of error are effective January 1, 2020.

§ 2 — NON-ADVERSARIAL DIVORCE PETITION

The bill permits parties who have filed for divorce on the regular family court docket to file for a non-adversarial divorce if (1) the court has not yet entered a decree dissolving the marriage and (2) the parties satisfy the law's conditions for a non-adversarial divorce (e.g., the divorce is not contested, the marriage did not exceed nine years, and the couple does not have any children.) Under these circumstances, parties filing for a non-adversarial divorce do not need to include a waiver of service of process with the filing or pay an additional filing fee for the petition. The latter claim supersedes the original one and the action may then continue as a non-adversarial proceeding.

§§ 3 & 12 — COST FOR PUBLIC DEFENDER SERVICES

Under the bill, when the court appoints counsel in a juvenile court civil proceeding and orders the Division of Public Defenders Services (DPDS) to provide the counsel, the judicial department and DPDS must share the cost (see BACKGROUND). Currently, DPDS is responsible for the cost.

Under the bill, if the party for whom counsel is appointed is found able to pay part or all of the cost, the court must assess the costs against the party and order him or her to reimburse DPDS and the judicial department to the extent he or she is financially able to do so. Currently, the party must reimburse DPDS to this extent if able to do so.

When the court appoints counsel in a juvenile court criminal proceeding and orders DPDS to provide the counsel, the bill specifies that DPDS must incur the cost, and the court must order the party to reimburse the division to the extent that he or she is financially able to do so if the party is found able to pay part or all of the cost.

The bill also makes a conforming change.

§§ 5-9, 19 — COURT REPORTERS, MONITORS, AND TRANSCRIPTS

The bill makes various changes in the laws pertaining to court

reporters and monitors and the transcripts they produce.

For the bill's purposes, transcripts are the official written recording of a proceeding or any part of it, including testimony and counsel's arguments, produced in the Superior, Appellate, or Supreme Court by an official court report or a court recording monitor the chief court administrator designates.

Court Reporter Responsibilities

The bill permits, instead of requires, court reporters to attend court proceedings and make records of all proceedings in the court. As under current law, this applies to all court proceedings except small claims. Currently, court reports are required to record counsels' arguments only at the request of a party. The bill instead authorizes the reporter to record these arguments without a request to do so.

Assistant Court Reporters

The bill requires the Judicial Branch, instead of court reporters at the court's direction, to employ court recording monitors. As under current law, recording monitors must be sworn to faithfully perform their duties before beginning their responsibilities.

It also eliminates a requirement that the reporters employ assistant court reporters and makes conforming changes by eliminating references to assistant court reporters in current law.

Court Reporter Assistance and Compensation

The bill eliminates a (1) requirement that court reporters receive compensation for travel expenses and (2) provision that authorizes them to have clerical assistance in each judicial district as the judges determine necessary.

It also eliminates a requirement that the court clerk for the judicial district where an action is heard pay court reporters approved (1) compensation for attendance and (2) fees for copies a judge or state referee ordered, in the same manner as other court expenses.

Successors to Reporters

The bill repeals a law that (1) requires the presiding court judge to appoint a successor if the official court reporter dies, resigns, or is permanently unable to serve for any reason and (2) permits the judge to appoint a competent person to act during a reporter's temporary absence.

Reporter Exams and Salary Classification

The bill also eliminates requirements that (1) a court reporter pass an entry level exam to be appointed a court reporter and (2) court reporter salaries be divided into two classes, for which the reporter must take an exam to determine class placement. It additionally eliminates a prohibition against a reporter being placed in a higher court reporter salary classification if he or she has not passed the examination for the higher classification.

Transcripts for State's Attorney or Public Defender

Currently, whenever a state's attorney or public defender requests a transcript, the court reporter or monitor must provide it and the cost must be shared by the state's attorney and public defender.

Under the bill, if the state's attorney or a public defender requests a transcript in a matter in which each is a party, the reporter or monitor must first inform the non-requesting party about the request. If that party also requests a copy of the transcript, both parties must share the transcript cost before the transcript is delivered to the requesting party. If a reporter or monitor receives a transcript request after the transcript is delivered to the original requester, the latter requester must pay the full transcript copy rate.

As under current law, the reporter or monitor must provide the transcript in a form that may be photocopied.

Currently, the court reporter or monitor must automatically furnish a transcript or portion of it to the state's attorney at no cost whenever a party of record requests a transcript of the proceedings. The bill instead requires court reporters and monitors to inform the state's

attorney whenever a party to a case in which the office has filed an appearance requests a transcript. If the request is made by a party, or by a party represented by counsel other than a public defender, the reporter or monitor must provide the state's attorney, upon request, with a copy of the transcript at no cost.

Records of Proceedings

The bill eliminates a requirement that all records of proceedings for a trial for any action be filed with the clerk's office within 30 days after the action was submitted.

It also requires court reporters and court monitors to use digital recording equipment, as approved by the chief justice, to record court proceedings. Current law permits reporters, assistant court reporters, stenographers, and assistant stenographers to use shorthand, a shorthand writing machine, or a mechanical or sound recording machine to make such records.

§ 13 — ABRIDGED PRESENTENCE INVESTIGATION REPORT

Except for murder with special circumstances, existing law requires a probation officer to conduct a presentence investigation (PSI) for anyone convicted of a (1) felony for the first time in Connecticut or (2) family violence felony for which a prison sentence may be imposed. For any other criminal conviction, the court may order a presentence investigation in its discretion.

The bill permits the court to order an abridged PSI in lieu of a full one. The abridged PSI must contain:

1. the defendant's identifying information and criminal record;
2. information from the court record about the pending case;
3. the circumstances of the offense;
4. the complainant's or victim's attitude; and
5. any damages the victim suffered, including medical expenses or

loss of earnings or property.

Abridged PSIs for a felony involving family violence must additionally include information about the defendant's (1) family background, (2) significant relationships or children, (3) mental health status, and (4) substance abuse history.

Additionally, the abridged report may encompass one or more areas of the defendant's present condition and social history, including family background, significant relationships or children, vocational training or education, employment history, financial or housing situation, medical or mental health status, substance abuse history, any clinical evaluation results, or any other information the court requires that is consistent with these provisions.

§ 15 — COURTS WITH JURISDICTION OVER FOI-RELATED MATTERS

Under existing law, the FOI commission may impose a penalty against a person who files a frivolous appeal with the commission without reasonable grounds and solely to harass the commission. The bill requires any Superior Court, upon receiving an application from the commission, to issue an order requiring the person to pay the penalty if he or she has failed to do so. Currently, only the Hartford Superior Court is required to issue these orders.

Additionally, under existing law, the commission's executive director cannot schedule an FOI appeal without obtaining leave from the commission if she believes that the appeal (1) is beyond the commission's jurisdiction, (2) would perpetrate an injustice, and (3) would be an abuse of the commission's administrative process. If the commission refuses to grant such leave, the bill permits the aggrieved party to apply to the New Britain Superior Court, instead of the Hartford Superior Court as under current law, for an order requiring the commission to hear the appeal.

§ 17 — STATUTE OF LIMITATIONS ON WRONGFUL DEATH AND PERSONAL INJURY CASES

Under the bill, upon the petition of the clerk from any superior or federal district court, the court must grant an automatic 90-day extension of the statute of limitations on a medical malpractice claim involving personal injury or wrongful death in order to allow reasonable inquiry to determine whether there are grounds for a good faith belief that medical malpractice has occurred. Currently, the court is only required to grant this claim if the clerk is from the court where the claim will be filed.

BACKGROUND

Court Appointed Counsel in Juvenile Matters

Under existing law, the judge in any juvenile matter must provide an attorney to represent the child or youth, his or her parents or guardian, or another person with control of the child or youth, even without a request to do so, if the judge determines that the interests of justice so require. If a child's custody is at issue, the judge must provide an attorney to represent the child. Additionally, the court may appoint or authorize an attorney to represent a child or youth, parent, guardian, or other person on appeal from a juvenile matters decision (CGS § 46b-136).

The law also requires the court to appoint an attorney for a child in juvenile delinquency proceedings if the child's parents or guardian cannot afford one (CGS § 46b-129).

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute

Yea 39 Nay 0 (04/08/2019)