



PA 19-132—sSB 996

Judiciary Committee

AN ACT CONCERNING REVISIONS TO VARIOUS STATUTES CONCERNING THE CRIMINAL JUSTICE SYSTEM AND REVISING PROVISIONS CONCERNING JAILHOUSE WITNESSES

SUMMARY: This act makes minor revisions and various unrelated changes in laws related to the criminal justice system. Specifically, the act:

1. redirects where complaints may be made about the unlawful employment, to influence legislative action, of anyone compensated by the state (§ 1);
2. generally allows certain agents of law enforcement officials to record private telephone conversations 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 offense, but with a mandatory one year minimum sentence (§ 4);
4. extends protections against criminal lockout to commercial lessees (§ 5);
5. amends PA 19-131 by (a) broadening the definition of “jailhouse witness” and (b) requiring the court to make a prima facie determination of the reliability and admissibility of such witness’s testimony after evaluating submitted evidence at a hearing (§§ 6 & 7); and
6. repeals laws that address the Superior Court’s jurisdiction and state’s attorney’s role regarding a (a) town’s noncompliance with highway construction orders and (b) railroad company’s neglect of a highway or railroad (§ 8).

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

EFFECTIVE DATE: October 1, 2019

§§ 1 & 8 — SUPERIOR COURT JURISDICTION AND STATE’S ATTORNEY’S ROLE

Unlawful Employment Complaints

The law prohibits anyone from (1) employing individuals receiving pay from the state 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 act changes the jurisdiction for complaints of these violations by requiring them to be filed with the chief state’s attorney for trial in any Superior Court. Under prior law, such complaints had to be filed with the state’s attorney for the New Britain judicial district, with the trial held at the New Britain Superior

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Court.

Repeals

The act repeals a law that required the Superior Court to (1) direct another person to construct or alter a highway when a town fails to comply with a court order to do so 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 required the state's attorney to file a complaint and seek further action against a railroad company that neglects to construct any highway or bridge that it has a duty to construct or maintain (CGS § 13b-305).

§ 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 act extends this exemption to such officials' agents and individuals requested or directed to do so by such officials or agents in the performance of their duties.

§ 4 — 2ND DEGREE ASSAULT WITH A FIREARM

Under existing law, 2nd degree assault is a class D felony, however if the offense caused serious physical injury, it is a class C felony (see [Table on Penalties](#)). Under prior law, 2nd degree assault with a firearm was a class D felony with a mandatory one-year minimum sentence.

The act conforms the maximum penalties for 2nd degree assault with a firearm to the maximum penalties for the underlying 2nd degree assault offense. But, as under existing law, the act imposes a mandatory one year minimum sentence to such firearm assault convictions.

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

§ 5 — CRIMINAL LOCKOUT

The act extends protections against criminal lockout to commercial lessees. Under the act, 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

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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 (see [Table on Penalties](#)).

§§ 6 & 7 — USE OF JAILHOUSE WITNESSES

Definition

Under PA 19-131, a “jailhouse witness” is a person who is incarcerated at the time he or she offers to provide testimony concerning statements a defendant or suspected perpetrator made. This act broadens the definition to mean (1) a person who offers or provides testimony concerning statements made to such person by another person with whom he or she was incarcerated or (2) an incarcerated person who offers or provides testimony concerning statements made to such person by another person who is suspected of or charged with committing a criminal offense.

Reliability and Admissibility of Testimony

PA 19-131 requires the court to conduct a hearing to decide whether a jailhouse witness’s testimony is reliable and admissible upon the motion of a defendant facing prosecution for one of seven specific murder- and sexual assault-related offenses.

This act:

1. specifies that hearsay or secondary evidence must be admissible at such a hearing to determine whether the jailhouse witness’s testimony is reliable and admissible and
2. requires the court to make a prima facie determination concerning the reliability of the testimony after evaluating the evidence submitted at the hearing and the information and material submitted pursuant to PA 19-131.