



General Assembly

January Session, 2019

Raised Bill No. 964

LCO No. 4983



Referred to Committee on JUDICIARY

Introduced by:
(JUD)

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2 repealed and the following is substituted in lieu thereof (*Effective July*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 in
106 the existing dissolution of marriage file pursuant to subsection (a) of
107 this section, except that such joint petition need not include a waiver of
108 service of process. Upon the filing of such joint petition, the action may
109 proceed in the manner set forth in sections 46b-44b to 46b-44d,
110 inclusive.

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

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 Section 46b-136 of the general statutes is repealed and the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

115 (a) In any proceeding in a juvenile matter, the judge before whom

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

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

139 (2) When, under the provisions of this section, the court [so]
140 appoints counsel in a proceeding in a juvenile matter in the criminal
141 session and orders the Division of Public Defender Services to provide
142 such counsel, the cost of such counsel shall be incurred by the Division
143 of Public Defender Services. When, under the provisions of this
144 subdivision, the court so appoints counsel for any [such] party who is
145 found able to pay, in whole or in part, the cost thereof, the court shall
146 assess as costs against such [parents, guardian or custodian] party,
147 including any agency vested with the legal custody of the child or
148 youth, the expense [so] incurred and paid by the Division of Public
149 Defender Services in providing such counsel, and order

150 reimbursement to the Division of Public Defender Services to the
151 extent of [their] the party's financial ability to do so.

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

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

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

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

170 (a) As used in this chapter:

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

174 (2) "Public defender" means a public defender, assistant public
175 defender, deputy assistant public defender and special public
176 defender;

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

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

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

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

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

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

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

208 (a) Each official court reporter, before entering upon the duties of
209 [his] the office, shall be sworn to faithfully perform [them] such duties
210 and shall then be an officer of the court. [He shall] Each official court

211 reporter may attend [the] court proceedings and make accurate records
212 of all proceedings in the court, except sessions of small claims. [and the
213 arguments of counsel, provided upon the request of any party, he shall
214 make accurate records of the arguments of counsel.]

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

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

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

241 (e) Whenever a transcript of proceedings, or a portion thereof, has
242 been requested by the state's attorney, assistant state's attorney or

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

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

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

271 (f) Each official court reporter [, assistant court reporter] and court
272 recording monitor shall inform the court whenever a transcript of
273 proceedings [, or a portion thereof,] has been requested by the state's
274 attorney [, assistant or deputy assistant state's attorney] or any party of
275 record pursuant to subsection (c) of this section. If such transcript [or

276 portion thereof] has been requested, the court, upon request, shall
277 receive from such official court reporter or court recording monitor a
278 transcript [, or portion thereof,] at no cost as provided in subsection (c)
279 of section 51-63, as amended by this act.

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

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

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

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

302 (b) The official court reporter or court recording monitor when
303 called upon [, or a competent assistant designated by him,] shall attend
304 the hearings, and shall have all the powers, be subject to the same
305 duties and receive the same compensation for attendance and fees for
306 transcripts of [his] the official records as are authorized by law. [for
307 official court reporters of the Superior Court.]

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

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

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

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

323 (c) In addition to other compensation, official and assistant reporters
324 and monitors shall be entitled to charge a party or other individual
325 three dollars for each transcript page which is or previously was
326 transcribed from the original record as provided by law, provided the
327 charge to any such party or other individual shall be one dollar and
328 seventy-five cents for each page for which a charge of three dollars
329 already has been made, except that (1) the charge to any official of the
330 state, or any of its agencies, boards or commissions or of any
331 municipality of the state, acting in his or her official capacity, shall be
332 two dollars for each transcript page which is or previously was
333 transcribed from the official record, provided the charge to any such
334 official shall be seventy-five cents for each page for which a charge of
335 two dollars already has been made, (2) there shall be no charge to the
336 state's attorney, assistant state's attorney or deputy assistant state's
337 attorney for a transcript provided pursuant to subsection (d) of section
338 51-61, and (3) there shall be no charge to the court for a transcript
339 provided pursuant to subsection (f) of section 51-61. For the purposes

340 of this subsection, "transcript page" means a page consisting of twenty-
341 seven double-spaced lines on paper eight and one-half by eleven
342 inches in size, with sixty spaces available per line. The Chief Court
343 Administrator shall adopt policies and procedures necessary to
344 implement the provisions of this section, including, but not limited to,
345 the establishment and administration of a system of fees for
346 production of expedited transcripts.]

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

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

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

371 [(e)] (c) Official and assistant stenographers in the offices of the

372 workers' compensation commissioners shall be entitled, in addition to
373 the compensation otherwise provided for, to the same fees for
374 preparing transcripts as are provided for official court reporters and
375 court recording monitors in the Superior Court.

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

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

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

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

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

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

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

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

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

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

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

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

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

434 *January 1, 2020*):

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

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

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

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

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

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

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

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

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

502 (d) In lieu of ordering a full presentence investigation, the court may
503 order an abridged version of such investigation, which (1) shall contain
504 (A) identifying information about the defendant, (B) information about
505 the pending case from the record of the court, (C) the circumstances of
506 the offense, and (D) the attitude of the complainant or victim,
507 including any damages suffered by the victim, including medical
508 expenses, loss of earnings and property loss, the criminal record of the
509 defendant, and (2) may encompass one or more areas of the social
510 history and present condition of the defendant, including family
511 background, significant relationships or children, educational
512 attainment or vocational training, employment history, financial
513 situation, housing situation, medical status, mental health status,
514 substance abuse history, the results of any clinical evaluation
515 conducted of the defendant or any other information required by the
516 court that is consistent with the provisions of this section.

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

522 Sec. 14. Subsection (a) of section 54-210 of the general statutes is
523 repealed and the following is substituted in lieu thereof (*Effective July*
524 *1, 2019*):

525 (a) The Office of Victim Services or a victim compensation
526 commissioner may order the payment of compensation under sections
527 54-201 to 54-218, inclusive, for: (1) Expenses actually and reasonably
528 incurred as a result of the personal injury or death of the victim,
529 provided coverage for the cost of medical care and treatment of a
530 crime victim who does not have medical insurance or who has
531 exhausted coverage under applicable health insurance policies or

532 Medicaid shall be ordered; (2) loss of earning power as a result of total
533 or partial incapacity of such victim; (3) pecuniary loss to the spouse or
534 dependents of the deceased victim, provided the family qualifies for
535 compensation as a result of murder or manslaughter of the victim; (4)
536 pecuniary loss to an injured victim or the relatives or dependents of an
537 injured victim or a deceased victim for attendance at court
538 proceedings, juvenile proceedings and Board of Pardons and Parole
539 hearings with respect to the criminal case of the person or persons
540 charged with committing the crime that resulted in the injury or death
541 of the victim; (5) loss of wages by any parent or guardian of a deceased
542 victim, provided the amount paid under this subsection shall not
543 exceed one week's net wage; and (6) any other loss, except as set forth
544 in section 54-211, resulting from the personal injury or death of the
545 victim which the Office of Victim Services or a victim compensation
546 commissioner, as the case may be, determines to be reasonable.

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

550 (2) In any appeal to the Freedom of Information Commission under
551 subdivision (1) of this subsection or subsection (c) of this section, the
552 commission may confirm the action of the agency or order the agency
553 to provide relief that the commission, in its discretion, believes
554 appropriate to rectify the denial of any right conferred by the Freedom
555 of Information Act. The commission may declare null and void any
556 action taken at any meeting which a person was denied the right to
557 attend and may require the production or copying of any public
558 record. In addition, upon the finding that a denial of any right created
559 by the Freedom of Information Act was without reasonable grounds
560 and after the custodian or other official directly responsible for the
561 denial has been given an opportunity to be heard at a hearing
562 conducted in accordance with sections 4-176e to 4-184, inclusive, the
563 commission may, in its discretion, impose against the custodian or
564 other official a civil penalty of not less than twenty dollars nor more
565 than one thousand dollars. If the commission finds that a person has

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

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

599 (f) (1) (A) The Family Support Magistrate Division shall include nine

600 family support magistrates who shall, (i) prior to January 1, 2017, be
601 appointed by the Governor to serve in that capacity for a term of three
602 years, and (ii) on and after January 1, 2017, be nominated by the
603 Governor and appointed by the General Assembly to serve in that
604 capacity for a term of five years, except that each family support
605 magistrate serving on December 31, 2016, shall continue to serve in
606 that capacity on and after January 1, 2017, until the expiration of such
607 magistrate's three-year term. [, unless removed from office pursuant to
608 this subsection, and shall continue to serve after the expiration of such
609 three-year term until a successor is appointed or the family support
610 magistrate's nomination has failed to be approved in accordance with
611 this subsection.] A family support magistrate may be nominated by the
612 Governor for reappointment. If a family support magistrate continues
613 to serve after the expiration of such three-year term and such family
614 support magistrate is nominated by the Governor for reappointment,
615 the family support magistrate's five-year term shall begin on the date
616 that the General Assembly approves the nomination for reappointment
617 pursuant to subdivision (3) of this subsection.

618 (B) To be eligible for nomination as a family support magistrate, a
619 person shall have engaged in the practice of law for five years prior to
620 appointment and be experienced in the field of family law. The family
621 support magistrate shall devote full time to the duties of a family
622 support magistrate and shall not engage in the private practice of law.
623 A family support magistrate may be removed from office by the
624 Governor for cause and is subject to admonishment, censure,
625 suspension and removal from office as provided in chapter 872a.

626 (2) Each nomination made by the Governor to the General
627 Assembly for a family support magistrate shall be referred, without
628 debate, to the committee on the judiciary, which shall report thereon
629 within thirty legislative days from the time of reference, but not later
630 than seven legislative days before the adjourning of the General
631 Assembly.

632 (3) Each appointment of a family support magistrate shall be by

633 concurrent resolution. The action on the passage of each such
634 resolution in the House of Representatives and in the Senate shall be
635 by vote taken on the electrical roll-call device. No resolution shall
636 contain the name of more than one nominee. The Governor shall,
637 within five days after the Governor has notice that any family support
638 magistrate nomination has failed to be approved by the affirmative
639 concurrent action of both houses of the General Assembly, make
640 another nomination to such office.

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

658 (5) Prior to a public hearing on a family support magistrate, the
659 committee on the judiciary may employ a person to investigate, at the
660 request of the chairpersons of said committee, any family support
661 magistrate nominee with respect to the suitability of such nominee for
662 magisterial office. Such investigator shall report his or her findings to
663 said committee and any such report shall be confidential and shall not
664 be subject to public disclosure. Such person shall receive such
665 compensation as may be fixed by the Joint Committee on Legislative
666 Management for each day such person is engaged in his or her duties

667 as an investigator.

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

682 Sec. 17. Subsection (c) of section 52-196a of the general statutes is
 683 repealed and the following is substituted in lieu thereof (*Effective July*
 684 *1, 2019*):

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

691 Sec. 18. Section 51-65 of the general statutes is repealed. (*Effective*
 692 *July 1, 2019*)

693 Sec. 19. Section 52-158 of the general statutes is repealed. (*Effective*
 694 *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>July 1, 2019</i>	52-196a(c)
Sec. 18	<i>July 1, 2019</i>	Repealer section
Sec. 19	<i>October 1, 2019</i>	Repealer section

Statement of Purpose:

To make various changes to the general statutes affecting both civil and criminal court proceedings.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]