



General Assembly

Amendment

January Session, 2019

LCO No. 8206



Offered by:

SEN. WINFIELD, 10th Dist.

REP. STAFSTROM, 129th Dist.

To: Subst. Senate Bill No. 964

File No. 840

Cal. No. 441

"AN ACT CONCERNING COURT OPERATIONS."

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. Subsection (b) of section 17a-101 of the general statutes is
4 repealed and the following is substituted in lieu thereof (*Effective July*
5 *1, 2019*):

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

16 youth athletics and is eighteen years of age or older, (13) any
17 individual who is employed as a coach or director of a private youth
18 sports organization, league or team and is eighteen years of age or
19 older, (14) any paid administrator, faculty, staff, athletic director,
20 athletic coach or athletic trainer employed by a public or private
21 institution of higher education who is eighteen years of age or older,
22 excluding student employees, (15) any police officer, (16) any juvenile
23 or adult probation officer, (17) any juvenile or adult parole officer, (18)
24 any member of the clergy, (19) any pharmacist, (20) any physical
25 therapist, (21) any optometrist, (22) any chiropractor, (23) any
26 podiatrist, (24) any mental health professional, (25) any physician
27 assistant, (26) any person who is a licensed or certified emergency
28 medical services provider, (27) any person who is a licensed or
29 certified alcohol and drug counselor, (28) any person who is a licensed
30 marital and family therapist, (29) any person who is a sexual assault
31 counselor or a domestic violence counselor, as defined in section 52-
32 146k, (30) any person who is a licensed professional counselor, (31) any
33 person who is a licensed foster parent, (32) any person paid to care for
34 a child in any public or private facility, child care center, group child
35 care home or family child care home licensed by the state, (33) any
36 employee of the Department of Children and Families, (34) any
37 employee of the Department of Public Health, (35) any employee of the
38 Office of Early Childhood who is responsible for the licensing of child
39 care centers, group child care homes, family child care homes or youth
40 camps, (36) any paid youth camp director or assistant director, (37) the
41 Child Advocate and any employee of the Office of the Child Advocate,
42 (38) any person who is a licensed behavior analyst, [and] (39) any
43 family relations counselor, family relations counselor trainee or family
44 services supervisor employed by the Judicial Department, and (40) any
45 victim services advocate employed by the Judicial Department.

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

48 (a) An action for a nonadversarial dissolution of marriage may be
49 commenced by the filing of a joint petition in the judicial district in

50 which one of the parties resides. The joint petition shall be notarized
51 and contain an attestation, under oath, by each party that the
52 conditions set forth in subsection (b) of this section exist.

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

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

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

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

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

103 (g) (1) If after filing an action for dissolution of marriage on the
104 regular family docket, pursuant to section 46b-45, but prior to the court
105 entering a decree of dissolution of marriage, the parties to such action
106 satisfy all the conditions for a nonadversarial dissolution of marriage
107 as set forth in this section, then such parties may file a joint petition for
108 a nonadversarial dissolution of marriage in the existing dissolution of
109 marriage action pursuant to subsection (a) of this section, except that
110 such joint petition need not include a waiver of service of process.
111 Upon the filing of such joint petition, the original complaint for
112 dissolution of marriage is deemed superseded by operation of law and
113 the action may proceed in the manner set forth in sections 46b-44b to
114 46b-44d, inclusive.

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

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

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

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

143 (2) When, under the provisions of this section, the court [so]
144 appoints counsel in a proceeding in a juvenile matter in the criminal
145 session and orders the Division of Public Defender Services to provide
146 such counsel, the cost of such counsel shall be incurred by the Division

147 of Public Defender Services. When, under the provisions of this
148 subdivision, the court so appoints counsel for any [such] party who is
149 found able to pay, in whole or in part, the cost thereof, the court shall
150 assess as costs against such [parents, guardian or custodian] party,
151 including any agency vested with the legal custody of the child or
152 youth, the expense [so] incurred and paid by the Division of Public
153 Defender Services in providing such counsel, and order
154 reimbursement to the Division of Public Defender Services to the
155 extent of [their] the party's financial ability to do so.

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

159 Sec. 4. Section 51-60 of the general statutes is repealed and the
160 following is substituted in lieu thereof (*Effective July 1, 2019*):

161 (a) As used in this chapter:

162 (1) "State's attorney" means a state's attorney, assistant state's
163 attorney, deputy assistant state's attorney and special deputy assistant
164 state's attorney;

165 (2) "Public defender" means a public defender, assistant public
166 defender, deputy assistant public defender and Division of Public
167 Defender Services assigned counsel;

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

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

176 (5) "Transcript page" means a page consisting of twenty-seven

177 double-spaced lines on paper eight and one-half by eleven inches in
178 size, with sixty spaces available per line.

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

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

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

197 Sec. 5. Section 51-61 of the general statutes is repealed and the
198 following is substituted in lieu thereof (*Effective July 1, 2019*):

199 (a) Each official court reporter, before entering upon the duties of
200 [his] the office, shall be sworn to faithfully perform [them] such duties
201 and shall then be an officer of the court. [He shall] Each official court
202 reporter may attend [the] court proceedings and make accurate records
203 of all proceedings in the court, except sessions of small claims. [and the
204 arguments of counsel, provided upon the request of any party, he shall
205 make accurate records of the arguments of counsel.]

206 (b) [Each official court reporter shall, if the judge or judges of the
207 court so direct, employ assistant court reporters and monitors to attend

208 such court as the judge or judges may desire. He shall not employ
209 assistant reporters or monitors receiving a per diem rate to attend any
210 session unless their employment is authorized by the judge holding
211 the session. Each assistant court reporter or monitor, before entering
212 upon his duties, shall be sworn to faithfully perform them.] The
213 Judicial Branch shall employ court recording monitors. Each court
214 recording monitor, before entering upon the duties of the office, shall
215 be sworn to faithfully perform such duties.

216 (c) Each official court reporter [, assistant court reporter] and court
217 recording monitor shall, when requested, furnish to the court, to the
218 state's attorney, [or any assistant or deputy assistant state's attorney,]
219 to any party of record and to any other person, within a reasonable
220 time, a transcript [of the proceedings, or such portion thereof] as may
221 be desired, except that, if the proceedings were closed to the public,
222 such official court reporter or court recording monitor shall not furnish
223 such transcript [or portion thereof] to such other person unless [the
224 proceedings were commenced on or after October 1, 1988, and] the
225 court in its discretion determines that such disclosure is appropriate.

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

232 (e) Whenever a transcript of proceedings, or a portion thereof, has
233 been requested by the state's attorney, assistant state's attorney or
234 deputy assistant state's attorney and the public defender, assistant
235 public defender or deputy assistant public defender, the court reporter
236 or monitor shall provide a transcript or portion thereof, in a form that
237 may be photocopied, to either such state's attorney or such public
238 defender and the cost of such transcript, or portion thereof, shall be
239 shared by such state's attorney and such public defender.]

240 (d) Each official court reporter and court recording monitor shall
241 inform the state's attorney whenever a transcript has been requested
242 by a party to a case in which the state's attorney has an appearance. If
243 such request is made by a party, or by a party represented by counsel
244 other than a public defender, the state's attorney shall, upon request,
245 receive from such official court reporter or court recording monitor a
246 copy of the transcript at no cost, as provided in subsection (a) of
247 section 51-63, as amended by this act.

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

262 (f) Each official court reporter [, assistant court reporter] and court
263 recording monitor shall inform the court whenever a transcript of
264 proceedings [, or a portion thereof,] has been requested by the state's
265 attorney [, assistant or deputy assistant state's attorney] or any party of
266 record pursuant to subsection (c) of this section. If such transcript [or
267 portion thereof] has been requested, the court, upon request, shall
268 receive from such official court reporter or court recording monitor a
269 transcript [, or portion thereof,] at no cost as provided in subsection
270 [(c)] (a) of section 51-63, as amended by this act.

271 (g) Whenever the court deems it necessary, it may order a transcript
272 [of the proceedings, or any part thereof,] to be filed with the clerk of

273 the trial court.

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

279 Sec. 6. Section 51-62 of the general statutes is repealed and the
280 following is substituted in lieu thereof (*Effective July 1, 2019*):

281 (a) Whenever a judge of the Superior Court, a judge trial referee or a
282 family support magistrate sitting in chambers [, a family support
283 magistrate or a state referee] deems it necessary, the judge, [or referee]
284 judge trial referee or family support magistrate may call upon the
285 official court reporter or court recording monitor for the judicial
286 district in which any action pending [before the judge sitting in
287 chambers, family support magistrate or state referee] is to be heard to
288 take the evidence therein. The judge, [magistrate or referee] judge trial
289 referee or family support magistrate shall have and may exercise all
290 the powers conferred by law upon a judge of the Superior Court when
291 sitting as a court, with respect to transcripts of the official records of
292 the official court reporter or court recording monitor.

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

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

303 Sec. 7. Section 51-63 of the general statutes is repealed and the

304 following is substituted in lieu thereof (*Effective July 1, 2019*):

305 [(a) Each official court reporter of the Superior Court, and as many
306 assistant reporters as the judges of the Superior Court consider
307 necessary, shall receive a salary. Each other assistant reporter shall
308 receive a per diem rate fixed by the judges, to be paid as court
309 expenses.

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

314 (c) In addition to other compensation, official and assistant reporters
315 and monitors shall be entitled to charge a party or other individual
316 three dollars for each transcript page which is or previously was
317 transcribed from the original record as provided by law, provided the
318 charge to any such party or other individual shall be one dollar and
319 seventy-five cents for each page for which a charge of three dollars
320 already has been made, except that (1) the charge to any official of the
321 state, or any of its agencies, boards or commissions or of any
322 municipality of the state, acting in his or her official capacity, shall be
323 two dollars for each transcript page which is or previously was
324 transcribed from the official record, provided the charge to any such
325 official shall be seventy-five cents for each page for which a charge of
326 two dollars already has been made, (2) there shall be no charge to the
327 state's attorney, assistant state's attorney or deputy assistant state's
328 attorney for a transcript provided pursuant to subsection (d) of section
329 51-61, and (3) there shall be no charge to the court for a transcript
330 provided pursuant to subsection (f) of section 51-61. For the purposes
331 of this subsection, "transcript page" means a page consisting of twenty-
332 seven double-spaced lines on paper eight and one-half by eleven
333 inches in size, with sixty spaces available per line. The Chief Court
334 Administrator shall adopt policies and procedures necessary to
335 implement the provisions of this section, including, but not limited to,
336 the establishment and administration of a system of fees for

337 production of expedited transcripts.]

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

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

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

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

367 [(f) Official court reporters shall be allowed such clerical assistance
368 in each judicial district as may be determined to be necessary by the

369 judges of the Superior Court at such compensation as may be fixed by
370 the judges.

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

374 Sec. 8. Section 51-74 of the general statutes is repealed and the
375 following is substituted in lieu thereof (*Effective October 1, 2019*):

376 [(a)] The record of proceedings in any court required to be made by
377 an official court reporter [, assistant court reporter, stenographer or
378 assistant stenographer may in the first instance be made by shorthand,
379 by shorthand writing machine, or by a mechanical or sound recording
380 device] or court recording monitor shall be made by digital recording
381 equipment approved by the Chief Justice of the Supreme Court.

382 [(b) Whenever the general statutes provide that a court reporter or
383 stenographer attend a court, or be appointed to attend a court, to make
384 a record of the proceedings therein, the court reporter or stenographer
385 may be a person competent to make the record by shorthand, by a
386 shorthand writing machine or by an approved mechanical or sound
387 recording device.

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

393 Sec. 9. Section 51-197a of the general statutes is repealed and the
394 following is substituted in lieu thereof (*Effective January 1, 2020*):

395 (a) Appeals and writs of error from final judgments or actions of the
396 Superior Court shall be taken to the Appellate Court in accordance
397 with section 51-197c, except for small claims, which are not appealable,
398 [appeals within the jurisdiction of the Supreme Court as provided for

399 in section 51-199,] appeals as provided for in sections 8-8, as amended
400 by this act, and 8-9, and except as otherwise provided by statute.

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

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

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

411 (e) Except as otherwise provided in sections 2-40, 2-42, 7-143, 7-230,
412 8-8, as amended by this act, 8-9, 8-132, 8-132a, 10-153e, 12-4, 13a-76, 31-
413 109, 31-118, 31-249b, 31-272, 31-301b, 31-301c, 31-324, 31-491, 31-493,
414 38a-470, 46a-94, 46a-95, 46b-142, 46b-143, 46b-150c, 51-1a, 51-14, 51-49,
415 51-50j, 51-164x, 51-165, 51-197a, as amended by this act, 51-197b, 51-
416 197c, 51-197e, 51-197f, [51-199,] 51-201, 51-202, 51-203, 51-209, 51-210,
417 51-211, 51-213, 51-215a, 51-216a, 52-235, 52-257, 52-259, 52-263, 52-267,
418 52-405, 52-434, 52-434a, 52-470, 52-476, 52-477, 52-592, 54-63g, 54-95, 54-
419 96, 54-96a, 54-96b and 54-143, all jurisdiction conferred upon and
420 exercised by the appellate session prior to July 1, 1983, of the Superior
421 Court shall be transferred to the Appellate Court.

422 Sec. 10. Subsection (b) of section 51-199 of the general statutes is
423 repealed and the following is substituted in lieu thereof (*Effective*
424 *January 1, 2020*):

425 (b) The following matters shall be taken directly to the Supreme
426 Court: (1) Any matter brought pursuant to the original jurisdiction of
427 the Supreme Court under section 2 of article sixteen of the
428 amendments to the Constitution; (2) an appeal in any matter where the
429 Superior Court declares invalid a state statute or a provision of the

430 state Constitution; (3) an appeal in any criminal action involving a
431 conviction for a capital felony under the provisions of section 53a-54b
432 in effect prior to April 25, 2012, class A felony or any other felony,
433 including any persistent offender status, for which the maximum
434 sentence which may be imposed exceeds twenty years; (4) review of a
435 sentence of death pursuant to section 53a-46b; (5) any election or
436 primary dispute brought to the Supreme Court pursuant to section 9-
437 323 or 9-325; (6) an appeal of any reprimand or censure of a probate
438 judge pursuant to section 45a-65; (7) any matter regarding judicial
439 removal or suspension pursuant to section 51-51j; (8) an appeal of any
440 decision of the Judicial Review Council pursuant to section 51-51r; (9)
441 any matter brought to the Supreme Court pursuant to section 52-265a;
442 and (10) [writs of error; and (11)] any other matter as provided by law.

443 Sec. 11. Section 51-292 of the general statutes is repealed and the
444 following is substituted in lieu thereof (*Effective July 1, 2019*):

445 [Reasonable] Except as provided in section 46b-136, as amended by
446 this act, reasonable expenses of, or incurred by, the commission, the
447 Chief Public Defender, or those serving pursuant to the provisions of
448 this chapter, including rental of facilities, witnesses summoned, costs
449 of transcripts ordered from the official court reporters or court
450 recording monitors, costs of service of process, and costs of equipment,
451 and other necessary disbursements or costs of defense shall be paid
452 from the budget of the commission upon approval of the commission.

453 Sec. 12. Section 54-91a of the general statutes is repealed and the
454 following is substituted in lieu thereof (*Effective October 1, 2019*):

455 (a) No defendant convicted of a crime, other than a capital felony
456 under the provisions of section 53a-54b in effect prior to April 25, 2012,
457 or murder with special circumstances under the provisions of section
458 53a-54b in effect on or after April 25, 2012, the punishment for which
459 may include imprisonment for more than one year, may be sentenced,
460 or the defendant's case otherwise disposed of, until a written report of
461 investigation by a probation officer has been presented to and

462 considered by the court, if the defendant is so convicted for the first
463 time in this state or upon any conviction of a felony involving family
464 violence pursuant to section 46b-38a for which the punishment may
465 include imprisonment; but any court may, in its discretion, order a
466 presentence investigation for a defendant convicted of any crime or
467 offense other than a capital felony under the provisions of section 53a-
468 54b in effect prior to April 25, 2012, or murder with special
469 circumstances under the provisions of section 53a-54b in effect on or
470 after April 25, 2012.

471 (b) A defendant who is convicted of a crime and is not eligible for
472 sentence review pursuant to section 51-195 may, with the consent of
473 the sentencing judge and the prosecuting official, waive the
474 presentence investigation, except that the presentence investigation
475 may not be waived when the defendant is convicted of a felony
476 involving family violence pursuant to section 46b-38a and the
477 punishment for which may include imprisonment.

478 (c) Whenever an investigation is required, the probation officer shall
479 promptly inquire into the circumstances of the offense, the attitude of
480 the complainant or victim, or of the immediate family where possible
481 in cases of homicide, and the criminal record, social history and
482 present condition of the defendant. Such investigation shall include an
483 inquiry into any damages suffered by the victim, including medical
484 expenses, loss of earnings and property loss. All local and state police
485 agencies shall furnish to the probation officer such criminal records as
486 the probation officer may request. When in the opinion of the court or
487 the investigating authority it is desirable, such investigation shall
488 include a physical and mental examination of the defendant. If the
489 defendant is committed to any institution, the investigating agency
490 shall send the reports of such investigation to the institution at the time
491 of commitment.

492 (d) In lieu of ordering a full presentence investigation, the court may
493 order an abridged version of such investigation, which (1) shall contain
494 (A) identifying information about the defendant, (B) information about

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

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

519 Sec. 13. Subsection (a) of section 54-210 of the general statutes is
520 repealed and the following is substituted in lieu thereof (*Effective July*
521 *1, 2019*):

522 (a) The Office of Victim Services or a victim compensation
523 commissioner may order the payment of compensation under sections
524 54-201 to 54-218, inclusive, for: (1) Expenses actually and reasonably
525 incurred as a result of the personal injury or death of the victim,
526 provided coverage for the cost of medical care and treatment of a
527 crime victim who does not have medical insurance or who has

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

544 Sec. 14. Subdivision (2) of subsection (b) of section 1-206 of the
545 general statutes is repealed and the following is substituted in lieu
546 thereof (*Effective October 1, 2019*):

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

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

593 Sec. 15. Subsections (f) and (g) of section 46b-231 of the general
594 statutes are repealed and the following is substituted in lieu thereof
595 (*Effective July 1, 2019*):

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

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

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

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

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

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

664 Management for each day such person is engaged in his or her duties
665 as an investigator.

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

680 Sec. 16. Subsection (b) of section 52-190a of the general statutes is
681 repealed and the following is substituted in lieu thereof (*Effective*
682 *October 1, 2019*):

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

689 Sec. 17. Subsection (c) of section 52-196a of the general statutes is
690 repealed and the following is substituted in lieu thereof (*Effective July*
691 *1, 2019*):

692 (c) Any party filing a special motion to dismiss shall file such
693 motion not later than thirty days after the [date of] return date of the
694 complaint, or the filing of a counterclaim or cross claim described in
695 subsection (b) of this section. The court, upon a showing of good cause

696 by a party seeking to file a special motion to dismiss, may extend the
697 time to file a special motion to dismiss.

698 Sec. 18. Section 52-264 of the general statutes is repealed and the
699 following is substituted in lieu thereof (*Effective September 1, 2019*):

700 The judges of the Supreme Court shall make such orders and rules
701 as they deem necessary concerning the practice and procedure in the
702 taking of appeals and writs of error, [to the Supreme Court,] and
703 concerning the giving of security by the appealing party, the stay of
704 execution during the pendency of appeal, the payment of costs and the
705 taxation of reasonable costs when the same have not been fixed by
706 statute.

707 Sec. 19. Section 51-181 of the general statutes is repealed and the
708 following is substituted in lieu thereof (*Effective September 1, 2019*):

709 [(a)] The Superior Court shall sit continuously throughout the year,
710 at such times and places and for such periods as are set by the Chief
711 Court Administrator or, with the approval of the Chief Court
712 Administrator, his or her designee, in the following cities or towns,
713 except as otherwise provided by law: (1) In the judicial district of
714 Ansonia-Milford, at Ansonia or Derby and at Milford; (2) in the
715 judicial district of Danbury, at Danbury; (3) in the judicial district of
716 Fairfield, at Bridgeport; (4) in the judicial district of Hartford, at
717 Hartford and, whenever suitable accommodations are provided
718 without expense to the state, at Manchester; (5) in the judicial district
719 of Litchfield, at [Litchfield, New Milford, Winchester and] Torrington;
720 (6) in the judicial district of Middlesex, at Middletown; (7) in the
721 judicial district of New Britain, at New Britain; [and Bristol;] (8) in the
722 judicial district of New Haven, at New Haven and Meriden; (9) in the
723 judicial district of New London, at Norwich and New London; (10) in
724 the judicial district of Stamford-Norwalk, at Stamford; (11) in the
725 judicial district of Tolland, at Rockville; (12) in the judicial district of
726 Waterbury, at Waterbury; and (13) in the judicial district of Windham,
727 at Putnam.

728 [(b) The court shall sit not less than forty weeks in Bristol and
729 Stamford.]

730 Sec. 20. Subsection (a) of section 51-346 of the general statutes is
731 repealed and the following is substituted in lieu thereof (*Effective*
732 *September 1, 2019*):

733 (a) Process in all civil actions brought to a judicial district, except
734 small claims as provided in subsection (b) of this section, shall be made
735 returnable as follows:

736 (1) If brought to the judicial district of Ansonia-Milford, to the court
737 at Ansonia or Milford as the plaintiff elects;

738 (2) If brought to the judicial district of Danbury, to the court at
739 Danbury;

740 (3) If brought to the judicial district of Fairfield, to the court at
741 Bridgeport;

742 (4) If brought to the judicial district of Hartford, to the court at
743 Hartford;

744 (5) If brought to the judicial district of Litchfield, to the [courthouse
745 for the judicial district of Litchfield] court at Torrington;

746 (6) If brought to the judicial district of Middlesex, to the court at
747 Middletown;

748 (7) If brought to the judicial district of New Britain, to the court at
749 New Britain; [or Bristol as the plaintiff elects;]

750 (8) If brought to the judicial district of New Haven, to the court at
751 New Haven or Meriden as the plaintiff elects;

752 (9) If brought to the judicial district of New London, to the court at
753 New London or Norwich as the plaintiff elects;

754 (10) If brought to the judicial district of Stamford-Norwalk, to the

755 court at Stamford;

756 (11) If brought to the judicial district of Tolland, to the court at
757 Rockville;

758 (12) If brought to the judicial district of Waterbury, to the court at
759 Waterbury;

760 (13) If brought to the judicial district of Windham, to the court at
761 Putnam.

762 Sec. 21. Subsection (a) of section 51-347 of the general statutes is
763 repealed and the following is substituted in lieu thereof (*Effective*
764 *September 1, 2019*):

765 (a) Except as provided in subsection (b) of this section, any writ
766 returnable to a judicial district and any motion, pleading or
767 appearance shall be filed with the clerk of the judicial district to which
768 the writ is returnable as follows:

769 (1) At the courthouse for the judicial district of Ansonia-Milford if
770 returnable to the judicial district of Ansonia-Milford at Ansonia or
771 Milford;

772 (2) At Danbury if returnable to the judicial district of Danbury;

773 (3) At Bridgeport if returnable to the judicial district of Fairfield;

774 (4) At Hartford if returnable to the judicial district of Hartford;

775 (5) At [the courthouse for the judicial district of Litchfield]
776 Torrington if returnable to the judicial district of Litchfield;

777 (6) At Middletown if returnable to the judicial district of Middlesex;

778 (7) At New Britain if returnable to the judicial district of New
779 Britain; [at New Britain or Bristol;]

780 (8) (A) At New Haven if returnable to the judicial district of New

781 Haven at New Haven, (B) at Meriden if returnable to the judicial
782 district of New Haven at Meriden;

783 (9) (A) At New London if returnable to the judicial district of New
784 London at New London, (B) at Norwich if returnable to the judicial
785 district of New London at Norwich;

786 (10) At Stamford if returnable to the judicial district of Stamford-
787 Norwalk;

788 (11) At Rockville if returnable to the judicial district of Tolland;

789 (12) At Waterbury if returnable to the judicial district of Waterbury;
790 and

791 (13) At Putnam if returnable to the judicial district of Windham.

792 Sec. 22. Subsection (d) of section 1-205 of the general statutes is
793 repealed and the following is substituted in lieu thereof (*Effective*
794 *October 1, 2019*):

795 (d) The commission shall, subject to the provisions of the Freedom
796 of Information Act promptly review the alleged violation of said
797 Freedom of Information Act and issue an order pertaining to the same.
798 Said commission shall have the power to investigate all alleged
799 violations of said Freedom of Information Act and may for the purpose
800 of investigating any violation hold a hearing, administer oaths,
801 examine witnesses, receive oral and documentary evidence, have the
802 power to subpoena witnesses under procedural rules adopted by the
803 commission to compel attendance and to require the production for
804 examination of any books and papers which the commission deems
805 relevant in any matter under investigation or in question. In case of a
806 refusal to comply with any such subpoena or to testify with respect to
807 any matter upon which that person may be lawfully interrogated, the
808 superior court for the judicial district of [Hartford] New Britain, on
809 application of the commission, may issue an order requiring such
810 person to comply with such subpoena and to testify; failure to obey

811 any such order of the court may be punished by the court as a
812 contempt thereof.

813 Sec. 23. Subsection (d) of section 52-549z of the general statutes is
814 repealed and the following is substituted in lieu thereof (*Effective July*
815 *1, 2019*):

816 (d) An appeal by way of a demand for a trial de novo [must be filed
817 with the court clerk within twenty days after the deposit of the
818 arbitrator's decision in the United States mail, as evidenced by the
819 postmark, and it] shall be filed with the court clerk not later than
820 twenty days after the date on which (1) notice of the arbitrator's
821 decision is sent electronically to the parties or their counsel, or (2) the
822 arbitrator's decision is deposited in the United States mail, whichever
823 is later, and shall include a certification that a copy thereof has been
824 served on each party or counsel of record, to be accomplished in
825 accordance with the rules of court. The decision of the arbitrator shall
826 not be admissible in any proceeding resulting after a claim for a trial
827 de novo or from a setting aside of an award in accordance with section
828 52-549aa.

829 Sec. 24. Subsection (o) of section 8-8 of the general statutes is
830 repealed and the following is substituted in lieu thereof (*Effective*
831 *October 1, 2019*):

832 (o) There shall be no right to further review except to the Appellate
833 Court by certification for review, on the vote of [two] three judges of
834 the Appellate Court so to certify and under such other rules as the
835 judges of the Appellate Court establish. The procedure on appeal to
836 the Appellate Court shall, except as otherwise provided herein, be in
837 accordance with the procedures provided by rule or law for the appeal
838 of judgments rendered by the Superior Court unless modified by rule
839 of the judges of the Appellate Court.

840 Sec. 25. Section 51-65 of the general statutes is repealed. (*Effective*
841 *July 1, 2019*)

842 Sec. 26. Section 52-158 of the general statutes is repealed. (*Effective*
 843 *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>July 1, 2019</i> | 51-60 |
| Sec. 5 | <i>July 1, 2019</i> | 51-61 |
| Sec. 6 | <i>July 1, 2019</i> | 51-62 |
| Sec. 7 | <i>July 1, 2019</i> | 51-63 |
| Sec. 8 | <i>October 1, 2019</i> | 51-74 |
| Sec. 9 | <i>January 1, 2020</i> | 51-197a |
| Sec. 10 | <i>January 1, 2020</i> | 51-199(b) |
| Sec. 11 | <i>July 1, 2019</i> | 51-292 |
| Sec. 12 | <i>October 1, 2019</i> | 54-91a |
| Sec. 13 | <i>July 1, 2019</i> | 54-210(a) |
| Sec. 14 | <i>October 1, 2019</i> | 1-206(b)(2) |
| Sec. 15 | <i>July 1, 2019</i> | 46b-231(f) and (g) |
| Sec. 16 | <i>October 1, 2019</i> | 52-190a(b) |
| Sec. 17 | <i>July 1, 2019</i> | 52-196a(c) |
| Sec. 18 | <i>September 1, 2019</i> | 52-264 |
| Sec. 19 | <i>September 1, 2019</i> | 51-181 |
| Sec. 20 | <i>September 1, 2019</i> | 51-346(a) |
| Sec. 21 | <i>September 1, 2019</i> | 51-347(a) |
| Sec. 22 | <i>October 1, 2019</i> | 1-205(d) |
| Sec. 23 | <i>July 1, 2019</i> | 52-549z(d) |
| Sec. 24 | <i>October 1, 2019</i> | 8-8(o) |
| Sec. 25 | <i>July 1, 2019</i> | Repealer section |
| Sec. 26 | <i>October 1, 2019</i> | Repealer section |