



General Assembly

Amendment

January Session, 2019

LCO No. 9811



Offered by:

SEN. FASANO, 34th Dist.
SEN. WITKOS, 8th Dist.
SEN. SAMPSON, 16th Dist.

SEN. KELLY, 21st Dist.
SEN. FORMICA, 20th Dist.
SEN. MARTIN, 31st Dist.

To: Subst. Senate Bill No. 440

File No. 855

Cal. No. 451

"AN ACT PROTECTING EMPLOYEE FREEDOM OF SPEECH AND CONSCIENCE."

1 After the last section, add the following and renumber sections and
2 internal references accordingly:

3 "Sec. 501. (NEW) (*Effective October 1, 2019*) Notwithstanding any
4 provision of the general statutes, any employee of the Department of
5 Children and Families who is required to comply with regulations or
6 rules adopted by the Commissioner of Children and Families pursuant
7 to section 17a-6 of the general statutes and fails to comply with such
8 regulations or rules, shall be guilty of a class E felony if such failure
9 results in the death or serious physical injury of a child in the care and
10 custody of the commissioner and such failure was wilful or intentional
11 or due to gross negligence.

12 Sec. 502. Section 1-110a of the general statutes is repealed and the
13 following is substituted in lieu thereof (*Effective October 1, 2019*):

14 (a) Notwithstanding any provision of the general statutes, [on or
15 after October 1, 2008,] if any public official or state or municipal
16 employee is convicted of or pleads guilty or nolo contendere to (1) any
17 crime related to state or municipal office in state criminal or federal
18 criminal court, or (2) a violation of section 501 of this act, the Attorney
19 General shall apply to the Superior Court for an order to revoke or
20 reduce the pension of any kind to which such public official or state or
21 municipal employee is otherwise entitled under the general statutes
22 for service as a public official or state or municipal employee.

23 (b) In determining whether the pension shall be revoked or reduced,
24 the Superior Court shall consider and make findings on the following
25 factors:

26 (1) The severity of the crime related to state or municipal office or a
27 violation of section 501 of this act for which the public official or state
28 or municipal employee has been convicted or to which the public
29 official or state or municipal employee has pled guilty or nolo
30 contendere;

31 (2) The amount of monetary loss suffered by the state, a
32 municipality or a quasi-public agency or by any other person as a
33 result of the crime related to state or municipal office or a violation of
34 section 501 of this act;

35 (3) The degree of public trust reposed in the public official or state
36 or municipal employee by virtue of the person's position as a public
37 official or state or municipal employee;

38 (4) If the crime related to state or municipal office was part of a
39 fraudulent scheme against the state or a municipality, the role of the
40 public official or state or municipal employee in the fraudulent scheme
41 against the state or a municipality; and

42 (5) Any such other factors as, in the judgment of the Superior Court,
43 justice may require.

44 (c) If the court determines, or the Attorney General certifies, that a
45 public official or state or municipal employee, who was convicted of or
46 pled guilty or nolo contendere to (1) a crime related to state or
47 municipal office, or (2) a violation of section 501 of this act, voluntarily
48 provided information to the Attorney General, the Auditors of Public
49 Accounts or any state, federal or local law enforcement official
50 concerning the commission of such crime [related to state or municipal
51 office by another public official or state or municipal employee] who
52 had a greater degree of culpability for such crime than the public
53 official or state or municipal employee providing such information, the
54 court shall not reduce or revoke the pension of such public official or
55 state or municipal employee, provided such public official or state or
56 municipal employee voluntarily provided such information prior to
57 learning of a criminal investigation into such crime. [related to state or
58 municipal office.]

59 (d) If the Superior Court determines that the pension of a public
60 official or state or municipal employee should be reduced, it may, after
61 taking into consideration the financial needs and resources of any
62 innocent spouse, dependents and designated beneficiaries of the public
63 official or state or municipal employee, order that some or all of the
64 reduced pension be paid to any such innocent spouse, dependent or
65 beneficiary as justice may require.

66 (e) If the Superior Court determines that the pension of such public
67 official or state or municipal employee should not be revoked or
68 reduced, it shall order that the retirement or other benefit or payment
69 be made to such public official or state or municipal employee.

70 (f) In all criminal proceedings in state or federal court in which the
71 defendant is a public official or a state or municipal employee who is
72 charged with (1) a crime related to state or municipal office, or (2) a
73 violation of section 501 of this act, the Attorney General shall notify the
74 prosecutor of the existence of the pension revocation statute and the
75 possibility that any fine, restitution or other monetary order made by
76 the court may be paid from such official's or employee's pension.

77 (g) If any provision, clause or phrase of this section or of any order
 78 or any action of the Attorney General hereunder is adjudged by any
 79 court of competent jurisdiction to be invalid, or if the applicability
 80 thereof to any person or circumstance is held invalid, such judgment
 81 shall not invalidate the remainder of this section or such order or
 82 action, and the applicability thereof to other persons and
 83 circumstances shall not be affected thereby.

84 Sec. 503. Subsection (c) of section 17a-101b of the general statutes is
 85 repealed and the following is substituted in lieu thereof (*Effective July*
 86 *1, 2019*):

87 (c) If the Commissioner of Children and Families, or the
 88 commissioner's designee, receives a report alleging sexual abuse or
 89 serious physical abuse, including, but not limited to, a report that: (1)
 90 A child has died; (2) a child has been sexually assaulted; (3) a child has
 91 suffered brain damage or loss or serious impairment of a bodily
 92 function or organ; (4) a child has been sexually exploited; or (5) a child
 93 has suffered serious nonaccidental physical injury, the commissioner
 94 shall, within twelve hours of receipt of such report, notify the
 95 [appropriate law enforcement agency] Chief State's Attorney."

This act shall take effect as follows and shall amend the following sections:		
Sec. 501	<i>October 1, 2019</i>	New section
Sec. 502	<i>October 1, 2019</i>	1-110a
Sec. 503	<i>July 1, 2019</i>	17a-101b(c)