



Acts Affecting Criminal Justice and Public Safety

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Notice to Readers

This report provides summaries of new laws (public acts and special acts) significantly affecting crime and public safety enacted during the 2019 regular legislative session. OLR's other Acts Affecting reports, including Acts Affecting First Responders, are, or will soon be, available on OLR's website: <https://www.cga.ct.gov/olr/actsaffecting.asp>.

Each summary indicates the public act (PA) or special act (SA) number. Not all provisions of the acts are included. The report does not include bonding provisions. The report does not include vetoed acts unless the veto was overridden. Complete summaries of public acts are, or will soon be, available on OLR's website: <https://www.cga.ct.gov/olr/olrsums.asp>.

Readers are encouraged to obtain the full text of acts that interest them from the Connecticut State Library, House Clerk's Office, or General Assembly's website: <http://www.cga.ct.gov>.

Table of Contents

Table on Penalties	5
Crimes and Penalties.....	6
2 nd Degree Assault with a Firearm.....	6
Advance Deposit Wagers at Off-Track Betting (OTB) Facilities	6
Alcoholic Beverages Tax	6
Criminal Lockout	7
Fentanyl	7
Firearm Storage	7
Ghost Guns.....	8
Ignition Interlock Devices	8
Interior Design Services.....	9
Negligent Homicide with a Motor Vehicle and Illegal Racing.....	9
Sexual Assault Parity	9
Voyeurism and “Upskirting”	10
Criminal Procedure	10
Abridged Presentence Investigation Report.....	10
Department of Mental Health and Addiction Services (DMHAS) and Criminal Defendants.....	10
Diversionary Program Record Sealing.....	10
Gay and Transgender Panic Defense Banned	11
Jailhouse Witnesses	11
Jury Selection Task Force	11
Persistent Larceny Offenders.....	11
Prosecutorial Transparency.....	12
Public Defender Services	12
Sexual Assault and Sexual Harassment.....	13
Special Parole	13
Study on Potential Pretrial and Sentencing Disparities	13
Juvenile Justice	14
Department of Correction (DOC) and CSSD Requirements	14
Family with Service Needs (FWSN).....	14
JJPOC Requirements.....	14
National Prison Rape Elimination Commission (PREA) Compliance	15
Risk to Public Safety	15

Suspension of Delinquency Proceedings for Fire Starting Behavior Treatment or Motor Vehicle Theft or Misuse Treatment	15
Transfers from Juvenile Court	16
Law Enforcement	17
Civil Immigration Detainers	17
Display of International Registration Plan Documents	17
Family Violence Arrests.....	17
Illegal Recording of Private Telephone Conversations	18
Law Enforcement Records	18
Motor Vehicle Inspectors as Peace Officers.....	18
Police Accountability	18
Police Mental Health Treatment and Surrendered Work Weapons	19
Protection of Confidential Communications between a First Responder and a Peer Support Team Member	19
State Marshals' Annual Financial Filing.....	20
Transfer of Law Enforcement Agency Records between Agencies.....	20
Workers' Compensation for Post-traumatic Stress Disorder (PTSD).....	20
Miscellaneous	20
Acquittee Images and Recordings	20
Criminal History Records Checks for School Personnel	21
Criminal Record Council	21
Crossing Railroad Tracks.....	21
Mobile Telephone and Electronic Device Use by School Bus Drivers	21
Parking Tickets by Independent Higher Education Institutions and Private High Schools	22
School Security.....	22
Prison	22
Advanced Practice Registered Nurse (APRN) Emergency Certificates at Correctional Facilities	22
Ambulance Services for Inmates	22
DOC Ombudsman Services	23
Inmate Claims	23
Opioid Treatment for Inmates.....	23
Victim Rights and Services	24
Sexual Assault Forensic Examiner (SAFE) Program.....	24
Victim Compensation.....	24

Table on Penalties

The law authorizes courts to impose imprisonment, fines, or both when sentencing a convicted criminal. Table 1 displays the range of prison terms and fines that judges may impose for each classification of crime. Some crimes have a mandatory minimum sentence not specified in the table. Also, repeated or persistent offenders may face higher sentences than specified here.

Table 1: Crime Classifications and their Penalties

<i>Felony or Misdemeanor</i>	<i>Prison Term</i>	<i>Fine</i>
Class A felony—murder with special circumstances	Life without the possibility of release	Up to \$20,000
Class A felony—murder	25 to 60 years	Up to \$20,000
Class A felony—aggravated sexual assault of a minor	25 to 50 years	Up to \$20,000
Class A felony	10 to 25 years	Up to \$20,000
Class B felony—1 st degree manslaughter with a firearm	5 to 40 years	Up to \$15,000
Class B felony	1 to 20 years	Up to \$15,000
Class C felony	1 to 10 years	Up to \$10,000
Class D felony	Up to 5 years	Up to \$5,000
Class E felony	Up to 3 years	Up to \$3,500
Class A misdemeanor	Up to 1 year	Up to \$2,000
Class B misdemeanor	Up to 6 months	Up to \$1,000
Class C misdemeanor	Up to 3 months	Up to \$500
Class D misdemeanor	Up to 30 days	Up to \$250

Crimes and Penalties

2nd Degree Assault with a Firearm

A new law conforms the maximum penalties for 2nd degree assault with a firearm to the maximum penalties for the underlying 2nd degree assault offense. But as under existing law, the new law imposes a one year mandatory minimum for 2nd degree assault with a firearm sentences.

Under existing law, 2nd degree assault is a class D felony. If it caused serious physical injury, it is a class C felony. Under existing law, 2nd degree assault with a firearm is a class D felony, but the new law increases the penalty to a class C felony if it caused serious physical injury ([PA 19-132](#), § 4, effective October 1, 2019).

Advance Deposit Wagers at Off-Track Betting (OTB) Facilities

A new law explicitly prohibits any unauthorized person or business from conducting OTB or accepting OTB wagers or advance deposit wagers (i.e., an OTB wager on racing events using a telephone or other electronic means) in Connecticut. Under the new law, (1) a violation is an unfair trade practice and (2) violators are subject to the penalties for professional gambling and transmitting gambling information, both of which are class A misdemeanors ([PA 19-117](#), § 359, effective October 1, 2019).

Alcoholic Beverages Tax

A new law generally increases the excise tax on alcoholic beverages, except for beer, by 10%. It also requires sellers to pay an additional tax on the alcoholic beverages (except for beer) in their inventories as of the opening of business on October 1, 2019.

As under the alcoholic beverages tax law, taxpayers who willfully fail to pay the inventory tax, file returns, keep required records, or supply required information regarding the tax are subject to a fine of up to \$1,000, imprisonment for up to one year, or both, in addition to any other penalties the law imposes. Similarly, willfully delivering or disclosing to the Department of Revenue Services (DRS) commissioner or his authorized agent any document known to be fraudulent or false is a class D felony.

Failure to file a report and pay the tax on time is grounds for revoking any other DRS-issued license or permit the seller possesses ([PA 19-117](#), §§ 352 & 353, effective October 1, 2019; tax rate provisions are applicable to sales occurring on or after that date).

Criminal Lockout

A new law extends protections against criminal lockout to commercial lessees. Under the new law, a landlord, among others, is guilty of criminal lockout if he or she deprives a tenant, including lessees, access to a nonresidential unit or the tenant's possessions without a court order. Under existing law and the act, criminal lockout is a class C misdemeanor ([PA 19-132](#), § 5, effective October 1, 2019).

Fentanyl

A new law expressly codifies the classification of fentanyl (a synthetic opioid analgesic) as a narcotic substance. By law, the penalties for certain illegal actions involving narcotics are higher than those for certain other non-narcotic controlled substances. These actions include illegally manufacturing, distributing, selling, and prescribing the substances ([PA 19-38](#), effective October 1, 2019).

Firearm Storage

Two new laws expand the firearm storage laws. Under prior law, the legal duty to securely store a firearm applied when the weapon was loaded and the person in control of the premises knew or reasonably should have known that a minor under age 16 was likely to gain access to it without his or her parent's or guardian's permission. One of the new laws applies the safe storage requirement to unloaded firearms and increases the age of a minor for these purposes to under age 18. By law, criminally negligent storage of a firearm is a class D felony ([PA 19-5](#), §§ 1-3, effective October 1, 2019).

Another new law prohibits, with exceptions for law enforcement, storing or keeping a handgun in an unattended motor vehicle if the firearm is not in the trunk or a locked safe or glove box. A first offense is a class A misdemeanor and subsequent offenses are a class D felony. For these purposes, a motor vehicle is unattended if no one who is at least age 21 and who is the owner, operator, or a passenger is inside the vehicle or in close enough proximity to prevent unauthorized access to the vehicle.

It also allows the court to suspend the criminal proceedings for violating the act's storage requirements under certain circumstances. During the suspension, the violator must comply with certain court-ordered conditions while in Court Support Services Division (CSSD) custody (i.e., on probation). The act allows the court to dismiss the charges if he or she complies with the court order and successfully completes probation ([PA 19-7](#), effective October 1, 2019).

Ghost Guns

A new law generally prohibits anyone from completing the manufacture of a firearm without subsequently obtaining and engraving or permanently affixing on it a unique serial number or other identification mark from the Department of Emergency Services and Public Protection (DESPP) (i.e., creating a “ghost gun”).

The new law also generally prohibits:

1. manufacturing a firearm from a plastic that a walk-through metal detector cannot detect;
2. transferring “ghost guns,” except to law enforcement;
3. aiding the manufacture of a firearm for certain people who are prohibited from owning or possessing a firearm;
4. purchasing, receiving, selling, delivering, or transferring an unfinished frame or lower receiver without an identification mark or unique serial number or satisfying certain other requirements; and
5. possessing an unfinished frame or lower receiver if the person is ineligible to possess a firearm under state or federal law.

Under the new law, the above prohibited actions are class C felonies. There is a \$5,000 minimum fine unless the court states on the record its reasons for remitting or reducing it. Violators must forfeit any such firearms in their possession ([PA 19-6](#), most provisions effective October 1, 2019).

Ignition Interlock Devices

Existing law prohibits a person required to use an ignition interlock device (IID) from, among other things, driving a vehicle without a functioning IID or that the court has ordered the person not to operate.

A new law provides that anyone who completes the terms of a license suspension and is eligible for reinstatement if the person installs and uses an IID is prohibited from operating any vehicle until he or she has installed the device and the Department of Motor Vehicles (DMV) commissioner reinstates the license. In doing so, the act extends the existing penalties for operating a motor vehicle without a required IID to violations of this provision. These penalties range from a fine of up to \$500, up to one year imprisonment with a 30-day mandatory minimum to up to \$1,000 fine, up to three years imprisonment, with a one-year mandatory minimum ([PA 19-119](#), § 8, effective October 1, 2019).

Interior Design Services

A new law extends the sales and use tax to interior design services described in industry group 54141 of the North American Industry Classification System, excluding such services that are purchased by a business for use by such business.

To qualify for this, the purchaser must present a certificate, prescribed by the DRS commissioner, to the seller. Anyone who willfully delivers to a seller a certificate that is known to be materially fraudulent or false is guilty of a class D felony, in addition to any other penalty the law provides ([PA 19-117](#), §§ 325 & 326, effective January 1, 2020, and applicable to sales occurring on or after that date).

Negligent Homicide with a Motor Vehicle and Illegal Racing

A new law increases the maximum fine and prison sentence for causing someone else's death through the negligent operation of a motor vehicle, regardless of the type of vehicle. Under prior law, such negligent operation of a (1) non-commercial motor vehicle was punishable by a fine of up to \$1,000, up to six months in prison, or both or (2) commercial motor vehicle was punishable by a fine of up to \$2,500, up to six months in prison, or both. Under the act, such negligent operation of any motor vehicle is punishable by a fine of up to \$3,500, up to three years in prison, or both.

The law also increases the penalties for driving a motor vehicle on a public road for purposes of betting, racing, or making a speed record. Under prior law, a first offense was punishable by a fine of \$75 to \$600, up to one year in prison, or both; and any subsequent offense was punishable by a fine of \$100 to \$1,000, up to one year in prison, or both. Under the act, the minimum fine is raised to \$150 for a first offense and \$300 for any subsequent offense and the DMV commissioner must require anyone convicted of such driving to attend an operator's retraining program ([PA 19-53](#), effective October 1, 2019).

Sexual Assault Parity

Recent legislation repeals the law that specifically criminalized sexual assault in a spousal or cohabiting relationship but simultaneously subjects married individuals to penalties for other sexual assault offenses. It does so by repealing exemptions for married individuals from the definitions of "sexual intercourse" and "sexual contact" in the sexual offenses statutes (e.g., sexual assault).

Under prior law, it was a class B felony for a spouse or cohabitor to compel the other spouse or cohabitor to engage in sexual intercourse by the use of force or threatened use of force that reasonably caused the other person to fear physical injury ([PA 19-189](#), effective October 1, 2019).

Voyeurism and “Upskirting”

A new law specifies that the ban on conduct sometimes referred to as “upskirting” applies when the victim has a reasonable expectation of privacy, regardless of whether the victim is in public. The act also specifies that, for purposes of all conduct constituting voyeurism, a person is not “in plain view” if the view is achieved by photographing or recording under or around the person’s clothing ([PA 19-14](#), effective October 1, 2019).

Criminal Procedure

Abridged Presentence Investigation Report

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

A new law permits the court to order an abridged PSI in lieu of a full one. The abridged PSI must contain certain specified information. Abridged PSIs for a felony involving family violence must additionally include information about the defendant’s (1) family background, (2) significant relationships or children, (3) mental health status, and (4) substance abuse history ([PA 19-64](#), § 12, effective July 1, 2019).

Department of Mental Health and Addiction Services (DMHAS) and Criminal Defendants

A new law codifies existing practice by allowing DMHAS, without going to court, to involuntarily medicate certain criminal defendants in its custody who (1) were found incompetent to stand trial and (2) are unable or unwilling to consent to medication to treat their psychiatric disabilities.

The act applies only if obtaining consent would cause a medically harmful delay to the patient with a condition of an extremely critical nature, as determined by personal observation of a physician or the senior clinician on duty ([PA 19-99](#), effective upon passage).

Diversions Program Record Sealing

Under a new law, courts must seal a defendant’s records to the public when the defendant applies for the pretrial alcohol education program, pretrial drug education and community service program, or school violence prevention program. Under prior law, the records were sealed at specified later points in the process (e.g., for the drug education program, after the person paid required program fees) ([PA 19-151](#), §§ 4-6, effective upon passage).

Gay and Transgender Panic Defense Banned

A new law prohibits criminal defendants from claiming a defense based solely on the person's discovery of, or the potential disclosure of, the victim's actual or perceived sex, sexual orientation, or gender identity or expression ("gay or transgender panic" defense). This includes situations in which (1) the victim made an unwanted, nonforcible, advance toward the defendant or (2) the defendant and victim dated or had a romantic relationship ([PA 19-27](#), effective October 1, 2019).

Jailhouse Witnesses

A new law allows a criminal defendant, by filing a written request with the court, to ask the prosecutor if he or she intends to introduce the testimony of a jailhouse witness in the prosecution. Under the act, a jailhouse witness is a person who is incarcerated when he or she offers to provide testimony concerning statements a defendant or suspected perpetrator made.

The act requires the prosecutor to respond within certain specified timeframes and allows the court to limit the disclosures to defense counsel only if the disclosure may result in possible bodily harm to the witness.

The act also (1) requires the court, upon the defendant's motion in a case for murder or certain other serious felony offenses, to conduct a hearing at which hearsay and secondary evidence are admissible to decide whether a jailhouse witness's testimony is reliable and admissible and (2) specifies the information and materials the court may consider when determining the witness's reliability ([PA 19-131](#), as amended by [PA 19-132](#), effective October 1, 2019).

Jury Selection Task Force

A new law establishes a 15-member task force to study the state's juror selection process. The study's objective is to ensure that the state's selection processes encompass a full and fair representation of the community. By July 1, 2020, the task force must report to the Judiciary Committee and the chief court administrator ([PA 19-151](#), § 1, effective upon passage).

Persistent Larceny Offenders

By law, the "persistent larceny offender" law allows courts to impose sentence enhancements on defendants awaiting sentencing for 4th, 5th, or 6th degree larceny who have two prior larceny convictions. A new act limits this law to only those defendants whose two prior convictions were within 10 years of the present conviction.

It also reduces the possible sentence enhancement to the prison term for the next most serious degree of crime (e.g., for 6th degree larceny, which is a class C misdemeanor, the court may set the sentence for a class B misdemeanor). Prior law allowed the court to impose the sentence for a class D felony ([PA 19-151](#), § 3, effective October 1, 2019).

Prosecutorial Transparency

A new law establishes new prosecutorial data collection and reporting requirements for various agencies. Among other things, the new law requires the:

1. Division of Criminal Justice, in consultation with various state entities, to (a) collect disaggregated, case level data on adult defendants and (b) starting by February 1, 2021, annually provide the data to the Office of Policy and Management (OPM);
2. Board of Pardons and Paroles, starting by January 1, 2021, to annually report to the OPM secretary, and make available online, specified parole-related case level data including parole hearing outcomes and demographic information;
3. OPM, starting by July 1, 2020, to annually present prosecutorial data to the Criminal Justice Commission, report the presentation to the Judiciary Committee, and make it available on its website; and
4. state's chief public defender, within available appropriations, to establish a pilot program to provide representation to individuals at parole revocation hearings ([PA 19-59](#), most provisions effective July 1, 2019).

Public Defender Services

Under a new law, when the court appoints counsel in a juvenile court civil proceeding and orders the Division of Public Defender Services (DPDS) to provide the counsel, the judicial department and DPDS must share the cost. Under prior law, DPDS was responsible for the cost.

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

When the court appoints counsel in a juvenile court criminal proceeding and orders DPDS to provide the counsel, the act specifies that DPDS must incur the cost, and the court must order the party to reimburse the division to the extent that he or she is financially able to do so if the party is found able to pay part or all of the cost ([PA 19-64](#), §§ 3 & 11, effective July 1, 2019).

Sexual Assault and Sexual Harassment

This year, the legislature made several changes to laws on sexual assault, workplace sexual harassment, and related issues. This includes several changes to the criminal statute of limitations, such as:

1. eliminating the statute of limitations for offenses involving sexual abuse, sexual exploitation, or sexual assault of a minor and
2. extending the default statute of limitations for (a) such offenses involving victims age 18, 19, or 20, until the victim's 51st birthday and (b) other felony sexual assault cases to 20 years.

The new laws also increase the penalty for subjecting someone to sexual contact if the victim is mentally incapacitated or impaired because of a mental disability to the extent that he or she cannot consent ([PA 19-16](#), as amended by [PA 19-93](#), most provisions effective October 1, 2019, and changes to the criminal statute of limitations apply to crimes committed on or after that date or crimes committed before then if the limitations period had not expired by that date).

Special Parole

A new law requires the Judicial Branch's Office of Victim Services to notify certain victims that the Board of Pardons and Paroles intends to consider terminating a person's special parole period. It allows any victim to submit a statement to the board about such special parole termination. The new law also makes various changes to the parole and special parole review processes, including establishing a panel and process for special parole that is separate and distinct from the regular parole review process ([PA 19-84](#), most provisions effective upon passage).

Study on Potential Pretrial and Sentencing Disparities

A new law requires the Sentencing Commission to study potential disparities in pretrial and sentencing outcomes related to the racial, ethnic, gender, and socioeconomic status of a criminal defendant. Under the new law, the commission must have access to the state's criminal justice databases and Information Sharing System. The commission must also submit (1) an interim report on the study to the Judiciary Committee by January 1, 2020, and (2) a final report with any recommendations to the Judiciary Committee and the governor by January 1, 2021 ([SA 19-17](#), effective upon passage).

Juvenile Justice

Department of Correction (DOC) and CSSD Requirements

A new law requires the DOC commissioner and the CSSD executive director, by July 1, 2020, and in consultation with the Department of Children and Families (DCF) commissioner, to develop a best practices policy in juvenile detention centers and correctional facilities where individuals age 17 and under are detained. The act specifies various issues the policy must address, such as suicidal and self-harming behaviors and the harmful effects of using chemical agents and prone restraints on detained individuals.

The new law also requires the DOC commissioner and CSSD executive director to annually report to the Juvenile Justice Policy and Oversight Committee (JJPOC) on the following information regarding facilities they oversee or operate where individuals age 17 and younger are detained:

1. suicidal and self-harming behaviors that detainees exhibit;
2. uses of force against, and imposing physical isolation on, detainees; and
3. any educational or mental health concerns for detainees.

The act also requires the DOC commissioner and CSSD executive director to report monthly to JJPOC, starting by August 1, 2020, on each instance in which chemical agents or prone restraints were used on anyone age 17 or younger who is detained in such a facility ([PA 19-187](#), §§ 3 & 4, effective upon passage, except the monthly reporting requirement is effective July 1, 2020).

Family with Service Needs (FWSN)

The bill postpones by one year, from June 30, 2019, to June 30, 2020, the deadline by which a party (e.g., a parent or police officer) may file a FWSN petition with the juvenile court for a child who (1) commits certain status offenses, such as running away from home, or (2) is out of the control of his or her parent or guardian ([PA 19-187](#), §§ 8-10, effective July 1, 2019).

JJPOC Requirements

A new law requires JJPOC to review methods other states use to transfer juvenile cases to the adult criminal docket and detain children ages 15 through 17 whose cases are transferred to that docket. The review must consider:

1. transfers of juvenile cases to the adult docket and outcomes associated with these transfers and

2. pre- and post-adjudication detention, including an examination of organizational and programmatic alternatives.

By January 1, 2020, JJPOC must submit the review to the Judiciary Committee and include a plan for implementing any recommended changes by July 1, 2021, with cost options where appropriate ([PA 19-187](#), § 2, effective October 1, 2019).

National Prison Rape Elimination Commission (PREA) Compliance

By law, state agencies and municipalities that incarcerate or detain adult or juvenile offenders must, within available appropriations, adopt and comply with the applicable standards recommended by PREA for preventing, detecting, monitoring, and responding to sexual abuse in prisons, jails, correctional facilities, juvenile facilities, and lock-ups.

A new law requires any state agency head or the chief elected official or governing legislative body of any municipality that detains juvenile offenders to annually certify, by January 15, that it complies with the PREA standards to OPM's Criminal Justice Policy and Planning Division ([PA 19-187](#), § 5, effective July 1, 2020).

Risk to Public Safety

Under existing law, the court may only order a child to be detained after he or she is arrested for an alleged crime on certain grounds, including probable cause to believe that the level of risk that the child poses to public safety if released to the community cannot be managed in a less restrictive setting. A new law specifies that a court may determine that a child poses a risk to public safety if the child:

1. has previously been adjudicated delinquent for or convicted of or pled guilty or nolo contendere to two or more felony offenses;
2. has had two or more prior probation dispositions; and
3. is charged with committing 1st, 2nd, or 3rd degree larceny involving a motor vehicle ([PA 19-110](#), § 2, effective July 1, 2019).

Suspension of Delinquency Proceedings for Fire Starting Behavior Treatment or Motor Vehicle Theft or Misuse Treatment

A new law allows a child charged with a delinquency offense involving an "act of fire starting" to file a motion with the court for an evaluation to determine if he or she would benefit from participating in a fire-starting behavior treatment program.

Another new law allows a child charged with a delinquency offense involving a motor vehicle to request a suspension of the delinquency proceedings for up to six months, during which time the child must participate in services to address any condition or behavior directly related to the offense.

Both laws permit the court to suspend the delinquency proceeding so the child may attend the program or participate in services as appropriate, and if he or she successfully completes the program or services and complies with the suspension order, the court may dismiss the delinquency charges. A child is ineligible for the suspended proceedings if he or she (1) was previously granted a suspended prosecution for such treatment or services or (2) is charged with a serious juvenile offense ([PA 19-135](#), effective July 1, 2019, and [PA 19-110](#), effective October 1, 2019).

Transfers from Juvenile Court

Under existing law, the juvenile court must automatically transfer a delinquency case to the adult criminal court docket if the child is at least age 15 and charged with murder with special circumstances, a class A felony, or certain class B felonies. Otherwise, the court has discretion in transferring a case where a juvenile is charged with a felony and only if the prosecutor makes a motion and the court makes certain findings.

A new law allows the adult court to return an automatically transferred juvenile case back to juvenile court if the charges are reduced to a charge that would have allowed a discretionary transfer. It subjects such returns to existing law's requirements for returns of discretionary transfers (i.e., the return must be for good cause shown and done before the court or jury renders a verdict or the defendant pleads guilty).

Under the act, when a case is transferred from the juvenile delinquency court to the adult criminal docket, the transferred proceeding must be private and conducted separately and apart from the other parts of the court that are being used for proceedings involving adult defendants. The records generally must remain confidential (with certain exceptions for victims), as required for juvenile records under existing law, unless and until a guilty plea or verdict is entered in the case on the regular criminal docket ([PA 19-187](#), § 1, effective October 1, 2019).

Law Enforcement

Civil Immigration Detainers

A new law makes several changes to the state's civil immigration detainer law. Among other things, the new law expands the definition of a civil immigration detainer and generally prohibits law enforcement officers (including adult probation officers), bail commissioners, school police or security department employees, and certain judicial branch employees from arresting or detaining someone pursuant to such a detainer unless it is accompanied by a judicial warrant. However, the new law allows an individual to be arrested and detained pursuant to such an immigration detainer without a judicial warrant if the individual (1) has been convicted of a class A or B felony or (2) is identified as a possible match in the federal Terrorist Screening Database or similar database. The new law also (1) establishes new procedures for responding to such detainers and (2) limits the disclosure of certain confidential information to a federal immigration authority.

It also requires (1) municipalities to report specified information every six months to OPM, if their law enforcement agency provided Immigration and Customs Enforcement access to an individual and (2) OPM to ensure that the law enforcement agencies and school police or security departments receive appropriate training ([PA 19-20](#), as amended by [PA 19-23](#), effective October 1, 2019).

Display of International Registration Plan Documents

A new law adds protections for when vehicle registration and other International Registration Plan documents are displayed on an electronic device. It specifically allows motor carrier registrants to present those documents electronically on a cell phone or other electronic device, instead of in paper form, to people who are required or authorized to view them in connection with their employment (e.g., law enforcement officers and DMV personnel) ([PA 19-119](#), §§ 3 & 4, effective July 1, 2019).

Family Violence Arrests

Existing law generally requires a peace officer, in responding to a family violence complaint made by two or more opposing parties, to arrest the person the officer believes is the dominant aggressor. Under a new law, this does not apply to the following, unless they are family or household members: (1) college or university students residing in on- or off-campus housing owned, managed, or operated by the institution or (2) tenants who live together in a residential rental property ([PA 19-189](#), effective October 1, 2019).

Illegal Recording of Private Telephone Conversations

Existing law generally prohibits anyone from recording a private telephone conversation without consent, verbal notification, or an automatic warning, but it exempts, among others, federal, state, or local criminal law enforcement officials who record telephonic communications in the lawful performance of their duties. A new law extends this exemption to such officials' agents and those requested or directed to do so by such officials or agents ([PA 19-132](#), § 3, effective October 1, 2019).

Law Enforcement Records

A new law makes certain victims' identifying information included in law enforcement investigation and arrest records exempt from Freedom of Information Act (FOIA) public disclosure requirements. Prior law exempted a law enforcement agency from disclosing a victim's name and address in any detection or investigation records of the following crimes or attempted crimes: (1) sexual assault; (2) voyeurism; and (3) risk of injury to a minor. The act expands this disclosure exemption to include victims of family violence or attempted family violence.

Prior law also limited law enforcement agencies' redaction of certain arrest records to witnesses' identities and any information about a crime's commission deemed prejudicial or sealed by court order. The act further allows agencies to redact from arrest records the name, address, or other identifying information of any victim of the following crimes or attempted crimes: (1) sexual assault; (2) voyeurism; (3) risk of injury to a minor; and (4) family violence ([PA 19-43](#), effective October 1, 2019).

Motor Vehicle Inspectors as Peace Officers

A new law expands a statutory definition of peace officer to include DMV motor vehicle inspectors who have Police Officer Standards and Training Council (POST) certification. Under prior law, motor vehicle inspectors had many, but not all, of the powers and protections afforded to these peace officers. For example, under the act, such inspectors are allowed to be considered peace officers for purposes of the state's Blue Alert system, which can be used to apprehend anyone suspected of killing or seriously injuring a peace officer or locate any officer who is missing ([PA 19-108](#), effective October 1, 2019).

Police Accountability

The legislature passed legislation making various changes to state laws on (1) law enforcement's use of force, (2) body-worn and dashboard camera recording disclosures, and (3) police pursuits.

Among other things, the act requires law enforcement units to submit an annual use of force report to OPM. OPM must also (1) complete a preliminary status report when a peace officer uses physical force that results in death, which must be submitted to the legislature, and (2) make certain use of force reports available on its website.

The act also (1) makes certain body-worn or dashboard camera recordings disclosable to the public within 96 hours after the incident, (2) narrows the instances during which use of deadly force is justified, and (3) generally prohibits a pursuing police officer from discharging a firearm into or at a fleeing motor vehicle.

Lastly, the act (1) establishes a task force to study police transparency and accountability and (2) requires POST to study and review police officers using firearms during a pursuit ([PA 19-90](#), effective October 1, 2019, except the task force and POST study provisions take effect upon passage).

Police Mental Health Treatment and Surrendered Work Weapons

A new law generally prohibits a law enforcement unit from disciplining police officers solely because they seek or receive mental health care services or surrender their work weapons or ammunition. It also requires a unit to request that officers seek a mental health examination before returning their work weapons or ammunition.

By law, it is generally a crime for a person to possess a firearm, ammunition, or electronic defense weapon within six months of voluntary admission to a psychiatric hospital for psychiatric treatment. A new law creates an exception to this prohibition for police officers who surrendered their work weapons or ammunition and allows them to have these items returned during this time period without penalty ([PA 19-17](#), §§ 4-6, effective October 1, 2019).

Protection of Confidential Communications between a First Responder and a Peer Support Team Member

A new law makes communications between a first responder and a peer support team member confidential with certain exceptions. The confidentiality applies only to communications and records made in the course of a first responder's participation in a peer support program established by his or her employer. The act generally prohibits a peer support team member from disclosing any confidential communications or records unless the first responder waives the privilege ([PA 19-188](#), effective October 1, 2019).

State Marshals' Annual Financial Filing

A new law eliminates the requirement for state marshals to annually file financial interest statements that identify the amounts and sources of income earned in their official capacity ([PA 19-180](#), effective October 1, 2019).

Transfer of Law Enforcement Agency Records between Agencies

A new law exempts from liability a law enforcement agency that discloses certain criminal investigation records to another law enforcement agency that is authorized to receive them, if the receiving agency further discloses the records. The act applies to records that law enforcement agencies compile in connection with the detection or investigation of a crime, and that FOIA exempts from mandatory disclosure when disclosure is not in the public interest because it would reveal certain information ([PA 19-30](#), effective July 1, 2019).

Workers' Compensation for Post-traumatic Stress Disorder (PTSD)

Under a new law, police officers and firefighters are allowed to receive certain workers' compensation benefits for post-traumatic stress disorder (PTSD) caused by certain "qualifying events," such as seeing, while in the line of duty, a deceased minor, someone's death, or a traumatic physical injury that results in the loss of a vital body part.

More specifically, the new law (1) establishes the eligibility requirements for these officers and firefighters to receive PTSD benefits; (2) limits the benefits' (a) duration to 52 weeks and (b) availability to within four years after the qualifying event; (3) caps an officer's or firefighter's weekly PTSD benefits, when combined with the amount of other benefits he or she receives (e.g., from Social Security), at his or her average weekly wage; and (4) establishes a process for employers to contest PTSD claims ([PA 19-17](#), §§ 1-3 & 11-12, most provisions effective July 1, 2019).

Miscellaneous

Acquittee Images and Recordings

A new law establishes conditions under which DMHAS must provide the attorney for an acquittee (i.e., a person found not guilty of a crime by reason of mental disease or defect) the right to review certain images or recordings of the acquittee that were taken at a DMHAS inpatient facility.

Among other conditions, (1) the acquittee, and any other identifiable patient in the image or recording, must consent to the disclosure and (2) the image or recording must not be the subject of a pending criminal investigation ([PA 19-151](#), § 2, effective upon passage).

Criminal History Records Checks for School Personnel

This session the legislature made changes to laws governing criminal history records checks for school personnel. Among other things, it passed a law requiring the State Police Bureau of Investigation, rather than the regional education service center arranging for fingerprinting of school personnel, to provide the criminal history records check results to the requesting school operator. Additionally, the new law requires DESPP to waive the fees for criminal history records checks for student teachers who are fulfilling college credit requirements in schools ([PA 19-91](#), §§ 1 & 3, effective July 1, 2019).

Criminal Record Council

A new law establishes a 20-member Council on the Collateral Consequences of a Criminal Record and charges it with (1) studying discrimination faced by people living with a criminal record and (2) developing legislative recommendations to reduce or eliminate discrimination based on a person's criminal history. The council must hold at least three public forums and submit recommendations to the Labor and Public Employees Committee by February 1, 2020 ([PA 19-142](#), effective July 1, 2019).

Crossing Railroad Tracks

Existing law prohibits people from crossing railroad tracks when warned of an approaching railroad locomotive, car, or train. A new law additionally prohibits a person from crossing railroad tracks when warned of other equipment on the tracks. A violation is an infraction ([PA 19-119](#), § 13, effective October 1, 2019).

Mobile Telephone and Electronic Device Use by School Bus Drivers

By law, school bus drivers, while driving a bus carrying passengers, are prohibited from using a hand-held mobile telephone or other electronic device, including those with hands-free accessories, except to (1) place emergency calls to school officials or (2) use such a telephone for emergency communications.

A new law additionally allows these drivers to use a hand-held mobile telephone or mobile electronic device in the same manner as a two-way radio for any real-time communication with school officials and those professionals and entities listed above ([PA 19-119](#), § 15, effective October 1, 2019).

Parking Tickets by Independent Higher Education Institutions and Private High Schools

A new law allows independent higher education institutions and private high schools to issue parking citations and impose monetary sanctions, including by written warning, posted signs, or any other means, to owners of vehicles parked on their property ([PA 19-140](#), effective upon passage).

School Security

A new law requires DESPP to (1) update state school security and safety plan standards, (2) simplify certain school security reporting requirements and school security infrastructure grant applications, and (3) develop criteria to identify qualified school security consultants and limit the existing registry to such individuals only. It also adds related duties for the State Department of Education (SDE) and the School Safety Infrastructure Council ([PA 19-52](#), most sections are effective upon passage).

Another new law requires DESPP, in consultation with SDE, to revise by October 1, 2019, its “school security and safety plan standards” to include provisions about “emergency communication plans” These plans are required under a new law for students who have 504 accommodation plans because they are deaf or hard of hearing or both blind or visually impaired and deaf. Emergency communication plans contain procedures to alert these students and ensure that their specific needs are met during an emergency situation ([PA 19-184](#), § 4, effective upon passage).

Prison

Advanced Practice Registered Nurse (APRN) Emergency Certificates at Correctional Facilities

A new law allows APRNs, under certain conditions, to issue emergency certificates to require hospitalization for up to 72 hours of prison inmates with psychiatric disabilities. It applies to all APRNs employed by DOC to provide mental health care at correctional facilities. The APRN must reasonably believe, based on a direct evaluation, that the person has a psychiatric disability, is dangerous to himself or herself or others or gravely disabled, and needs immediate care and treatment ([PA 19-117](#), § 96, effective July 1, 2019).

Ambulance Services for Inmates

By law, DOC may transfer an inmate in a correctional facility who requires hospitalization for medical care to a hospital with facilities for such care.

A new law requires the DOC commissioner, before October 1, 2019, to revise the department's payment methodology for ambulance services a municipality provides to an inmate who requires transfer to a hospital for medical care. The revision must ensure that if the inmate does not have private health insurance, DOC will reimburse the municipality for the ambulance services at the same rate it is contractually obligated to pay non-municipal ambulance service providers ([PA 19-9](#), effective July 1, 2019).

DOC Ombudsman Services

A new law requires the DOC commissioner to hire an ombudsman to provide certain services to individuals age 18 or younger who are in his custody. Under the act, "ombudsman services" includes taking and investigating complaints from individuals in custody regarding the department's decisions, actions or omissions, policies, procedures, rules, and regulations. The individuals in custody must reasonably pursue a resolution of the complaint through any existing internal DOC grievance procedures, prior to obtaining ombudsman services ([PA 19-117](#), § 68, effective July 1, 2019).

Inmate Claims

A new law allows an inmate, his or her legal representative, or the legal representative of an inmate's estate, who makes a written request for documents to DOC to receive them under certain circumstances. The act applies to requests for documents in DOC's possession relating to injuries an inmate suffers while incarcerated that result in fatality or permanent disability.

The new law requires the department to ensure that the documents are provided within 60 days after receiving the written request unless the disclosure (1) could pose a risk to safety and security, (2) violates a common law privilege, or (3) is prohibited by state or federal law ([PA 19-80](#), effective October 1, 2019).

Opioid Treatment for Inmates

Recent legislation requires the DOC commissioner to provide inmates who self-identify as suffering from or relapsing into an opioid use disorder with information on treatment options. The information must (1) be provided at least 45 days before the inmate is released from DOC custody and (2) include ways to access treatment options after being released into the community ([PA 19-167](#), effective October 1, 2019).

Victim Rights and Services

Sexual Assault Forensic Examiner (SAFE) Program

This year, the legislature made various changes to the Office of Victim Services' (OVS) SAFE program. Among other things, a new law:

1. expands the types of health care providers that may become sexual assault forensic examiners and requires all examiners to successfully complete certification requirements implemented by the Chief Court Administrator;
2. modifies the types of health care facilities where sexual assault forensic examinations take place;
3. reinstates the SAFE Advisory Committee and requires it to recommend to OVS policies and procedures for the SAFE program; and
4. authorizes the Chief Court Administrator to implement the committee's recommendations as policies and procedures ([PA 19-114](#), as amended by [PA 19-118](#), §§ 43 & 44, effective July 1, 2019).

Victim Compensation

A new law allows OVS or a victim compensation commissioner to order compensation for pecuniary loss to an injured victim or the relatives or dependents of an injured or deceased victim for attending juvenile proceedings and Board of Pardons and Parole hearings ([PA 19-64](#), § 13, effective October 1, 2019).