



General Assembly

January Session, 2021

Raised Bill No. 1018

LCO No. 4393



Referred to Committee on JUDICIARY

Introduced by:
(JUD)

AN ACT CONCERNING PROSECUTORIAL ACCOUNTABILITY.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (h) of section 51-275a of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective October*
3 *1, 2021*):

4 (h) The commission shall be [within the Division of Criminal Justice.
5 Said division shall provide staff] an autonomous body within the
6 Executive Department. The Office of Policy and Management shall
7 provide administrative support for the commission.

8 Sec. 2. Subsection (b) of section 51-278 of the general statutes is
9 repealed and the following is substituted in lieu thereof (*Effective October*
10 *1, 2021*):

11 (b) (1) (A) The Criminal Justice Commission shall appoint (i) two
12 deputy chief state's attorneys as assistant administrative heads of the
13 Division of Criminal Justice, one of whom shall be deputy chief state's
14 attorney for operations and one of whom shall be deputy chief state's
15 attorney for personnel, finance and administration, who shall assist the

16 Chief State's Attorney in his duties, and (ii) one deputy chief state's
17 attorney who shall be nominated by the commission to serve as
18 Inspector General in accordance with section 51-277e. The term of office
19 of a deputy chief state's attorney shall be four years from July first in the
20 year of appointment and until the appointment and qualification of a
21 successor unless sooner removed by the Criminal Justice Commission.
22 The Criminal Justice Commission shall designate one deputy chief
23 state's attorney appointed under subparagraph (A)(i) of this subsection
24 who shall, in the absence or disqualification of the Chief State's
25 Attorney, exercise the powers and duties of the Chief State's Attorney
26 until such Chief State's Attorney resumes his duties. For the purposes of
27 this subparagraph, the Criminal Justice Commission means the
28 members of the commission other than the Chief State's Attorney. (B)
29 The Criminal Justice Commission shall appoint a state's attorney for
30 each judicial district, who shall act therein as attorney on behalf of the
31 state. The Criminal Justice Commission shall also appoint, from
32 candidates recommended by the appropriate state's attorney and
33 deemed qualified by the commission, as many assistant state's attorneys
34 and deputy assistant state's attorneys on a full-time or part-time basis
35 for each judicial district as the criminal business of the court, in the
36 opinion of the Chief State's Attorney, may require, and the commission
37 shall also appoint, from candidates recommended by the Chief State's
38 Attorney and deemed qualified by the commission, as many assistant
39 state's attorneys and deputy assistant state's attorneys as are necessary,
40 in the opinion of the Chief State's Attorney, to assist the Chief State's
41 Attorney. Assistant state's attorneys and deputy assistant state's
42 attorneys, respectively, shall assist the state's attorneys for the judicial
43 districts and the Chief State's Attorney in all criminal matters and, in the
44 absence from the district or disability of the state's attorney or at his
45 request, shall have and exercise all the powers and perform all the duties
46 of state's attorney. At least three such assistant state's attorneys or
47 deputy assistant state's attorneys shall be designated by the Chief State's
48 Attorney to handle all prosecutions in the state of housing matters
49 deemed to be criminal. Any assistant or deputy assistant state's attorney
50 so designated should have a commitment to the maintenance of decent,

51 safe and sanitary housing and, to the extent practicable, shall handle
52 housing matters on a full-time basis. At least one assistant state's
53 attorney shall be designated by the Chief State's Attorney to handle all
54 prosecutions in the state of environmental matters deemed to be
55 criminal. Any assistant state's attorney so designated should have a
56 commitment to protecting the environment and, to the extent
57 practicable, shall handle environmental matters on a full-time basis. (C)
58 The Chief State's Attorney may promote any assistant state's attorney,
59 or deputy assistant state's attorney who assists him, and the appropriate
60 state's attorney may promote any assistant state's attorney or deputy
61 assistant state's attorney who assists such state's attorney in the judicial
62 district.

63 (2) On and after July 1, 1985, the Chief State's Attorney, deputy chief
64 state's attorneys, state's attorneys, assistant state's attorneys and deputy
65 assistant state's attorneys shall receive salaries in accordance with a
66 compensation plan approved by the Department of Administrative
67 Services.

68 (3) Each state's attorney who, on June 30, 1973, was included in the
69 provisions of sections 51-49, 51-287 and 51-288 may elect to continue to
70 be so included and, each state's attorney, incumbent on July 1, 1978, who
71 was an assistant state's attorney, chief prosecuting attorney or deputy
72 chief prosecuting attorney on June 30, 1973, may elect to be included in
73 sections 51-49, 51-287 and 51-288, and, in each such case, the
74 Comptroller shall deduct from his salary five per cent thereof as
75 contributions for the purposes of sections 51-49, 51-287 and 51-288,
76 provided any person who has so elected may thereafter elect to
77 participate in chapter 66 and thereupon his past contributions to the
78 State's Attorneys' Retirement Fund shall be transferred to the State
79 Employees Retirement Fund and he shall be credited with all prior
80 service. All other persons appointed under the provisions of this section
81 shall be subject to the provisions of chapter 66.

82 (4) Each Chief State's Attorney, deputy chief state's attorney or state's
83 attorney who (A) is ineligible to elect under subdivision (3) of this

84 subsection, (B) is not subject to the provisions of chapter 66, and (C) had
85 vested under the State Employees Retirement Fund, prior to his
86 appointment to such office, shall vest under the State's Attorneys'
87 Retirement Fund upon reappointment to any such office by the Criminal
88 Justice Commission.

89 (5) The several state's attorneys shall each hold office for [eight] five
90 years from July first and until the appointment and qualification of a
91 successor unless sooner removed for just cause by the Criminal Justice
92 Commission. Beginning July 1, 2022, the commission shall biennially
93 evaluate the performance of each state's attorney in accordance with
94 section 51-280, as amended by this act.

95 (6) When any vacancy in the office of the Chief State's Attorney or the
96 office of a state's attorney is to be filled, the commission shall make its
97 appointment from the various recommendations of the Chief State's
98 Attorney or the appropriate state's attorney.

99 (7) Each deputy chief state's attorney and state's attorney incumbent
100 on the date of certification by the Secretary of the State of the
101 constitutional amendment concerning appointment of state's attorneys,
102 shall serve the term for which he had been appointed prior to said date.

103 Sec. 3. Section 51-279a of the general statutes is repealed and the
104 following is substituted in lieu thereof (*Effective July 1, 2021*):

105 (a) The Division of Criminal Justice Advisory Board is established,
106 comprised of the Chief State's Attorney or his designee and the state's
107 attorney for each judicial district or his designee. The board shall [meet
108 at least once a month to advise on state-wide prosecutorial standards
109 and guidelines and other policy matters, including peer review and
110 resolution of conflicts. The board shall adopt such rules as it deems
111 necessary for the conduct of its internal affairs.] develop uniform
112 written Division of Criminal Justice policies on or before December 31,
113 2021. The policies shall include, but not be limited to, standards
114 concerning the following subject areas:

- 115 (1) Charging decisions, concerning:
- 116 (A) Initiation of charges,
- 117 (B) Charging juveniles as adults,
- 118 (C) The standard of proof required to initiate and maintain charges,
- 119 (D) Investigatory and discovery materials to be reviewed before
120 charging, and
- 121 (E) Diversionary program referrals;
- 122 (2) Pretrial release pursuant to section 54-63b, concerning:
- 123 (A) Pretrial release standards for specific offenses and offense
124 categories,
- 125 (B) Criteria for determining the amount of security release requested
126 for charged offenses,
- 127 (C) Review of pretrial release recommendations by supervisory staff
128 within each judicial district, and
- 129 (D) Reevaluation of pretrial detention throughout the pretrial period;
- 130 (3) Pretrial discovery, concerning:
- 131 (A) Facilitation of prompt and complete initial discovery to the
132 defense,
- 133 (B) Ongoing discovery to the defense when new evidence is made
134 known to the state's attorney's office,
- 135 (C) Disclosure of complete file by law enforcement to the state's
136 attorney's office, and
- 137 (D) Provision of discovery materials prior to entering into a plea
138 agreement and prior to the beginning of a trial;

- 139 (4) Diversionary programs, concerning:
- 140 (A) Eligibility and criteria for referral, and
- 141 (B) Minimizing or eliminating costs to defendants;
- 142 (5) Plea agreements, concerning:
- 143 (A) Factors for consideration when evaluating a defendant for a plea
144 agreement, such as offense categories, defendant characteristics and
145 specific mitigating or aggravating factors, and
- 146 (B) The effect of a defendant's failure to enter into a plea agreement
147 on future sentencing recommendations;
- 148 (6) Sentencing recommendations, including:
- 149 (A) Factors for recommendation of alternatives to incarceration,
- 150 (B) Factors for requesting imposition of fines and fees, including
151 attorney fees for appointed counsel,
- 152 (C) Factors for sentencing recommendations (i) in excess of any
153 applicable mandatory minimums, or (ii) at any applicable statutory
154 maximum,
- 155 (D) The process for participating in presentencing reports, including
156 making recommendations for sentencing variances contained in such
157 reports, and
- 158 (E) Consideration and recording of projected expenditures of state or
159 municipal funds associated with sentencing recommendations;
- 160 (7) Post-sentence recommendations, including:
- 161 (A) Factors for recommending termination of post-sentence
162 supervised or conditional release,
- 163 (B) Factors for recommending pardons and other post-sentence relief,
164 and

165 (C) The process for review of convictions and sentences challenged
166 as unlawful;

167 (8) Victim engagement and involvement, including:

168 (A) Eligibility for victim involvement in charging decisions and other
169 processes, and

170 (B) Working with the Victim Advocate to develop uniform processes
171 for victim outreach and support;

172 (9) Case management and staffing, including transfer, continuance
173 and staffing standards;

174 (10) Uniform prosecutorial ethics standards in addition to the ethical
175 standards pertaining to all attorneys;

176 (11) The use of a grand jury for investigations;

177 (12) Circumstances and procedures for deviating from the policies
178 created by the advisory board pursuant to this subsection;

179 (13) A uniform assessment tool for conducting annual performance
180 evaluations for all deputy assistant state's attorneys, assistant state's
181 attorneys, senior assistant state's attorneys, supervisory assistant state's
182 attorneys and any other prosecuting attorneys; and

183 (14) Any other rules the advisory board deems necessary for the
184 conduct of its internal affairs.

185 (b) Not later than sixty days after the advisory board has developed
186 uniform policies in accordance with subsection (a) of this section, but in
187 no event after March 1, 2022, the members of the Criminal Justice
188 Commission shall review and approve the uniform policies developed
189 by the advisory board, if such policies address each subdivision of
190 subsection (a) of this section. If the commission determines that such
191 policies do not address one or more subdivisions of subsection (a) of this
192 section, the commission shall submit a written report to the advisory

193 board detailing which subdivisions of subsection (a) of this section need
194 to be addressed in revised uniform policies. The advisory board shall
195 revise the uniform policies to address each such subdivision and shall
196 submit the revised uniform policies to the commission not later than ten
197 days after receipt of such written report. Not later than thirty days after
198 receipt of such revised uniform policies, the commission shall review
199 and approve the revised uniform policies if such policies address each
200 subdivision of subsection (a) of this section. If such revised uniform
201 policies do not address each subdivision of subsection (a) of this section,
202 the commission shall submit a written report to the advisory board and
203 the advisory board shall further revise the uniform policies, in
204 accordance with the provisions of this subsection.

205 (c) Upon approval of the policies by the Criminal Justice Commission
206 pursuant to subsection (b) of this section, the advisory board shall vote
207 to adopt the uniform polices on or before July 1, 2022. Upon adoption of
208 the uniform policies and not later than July 1, 2022, the advisory board
209 shall post the adopted uniform policies on the Division of Criminal
210 Justice's Internet web site.

211 (d) (1) Not later than five years after the initial adoption of the policies
212 approved pursuant to subsection (b) of this section, and every five years
213 thereafter, the advisory board shall:

214 (A) Review the policies;

215 (B) Post on the Division of Criminal Justice's Internet web site notices
216 concerning the time, date and place of any meeting of the advisory
217 board for the purpose of making revisions to the uniform policies;

218 (C) Hold a public meeting with opportunity for public testimony
219 regarding the review or revision of uniform policies; and

220 (D) Revise uniform policies, if necessary.

221 (2) Upon any such revisions, the advisory board shall submit such
222 revised uniform policies to the Criminal Justice Commission, which

223 shall review the revised uniform policies and approve such revised
224 uniform policies in accordance with subsection (b) of this section. Not
225 later than thirty days after such approval by the commission, the
226 advisory board shall vote to adopt the uniform policies. Not later than
227 thirty days after the adoption of such revised uniform policies, the
228 advisory board shall post the adopted revised uniform policies on the
229 Division of Criminal Justice's Internet web site.

230 (e) The advisory board shall meet at least quarterly to review the
231 policies adopted pursuant to subsection (b) of this section and to advise
232 on other standards, guidelines and policy matters.

233 (f) Each state's attorney shall adopt and make available to the
234 prosecuting attorneys within the state's attorney's judicial district the
235 uniform policies adopted in accordance with subsection (c) of this
236 section not later than July 1, 2022. Each state's attorney shall implement
237 the policies within that judicial district and direct all prosecuting
238 attorneys within the judicial district to comply with such policies. All
239 state's attorneys shall adopt and implement any revision to the policies
240 adopted in accordance with subsection (d) of this section.

241 (g) The advisory board shall establish a methodology for the state's
242 attorney of each judicial district to monitor and track information
243 regarding compliance with the uniform or revised uniform policies
244 adopted in accordance with subsection (c) or (d) of this section.

245 Sec. 4. Section 51-279c of the general statutes is repealed and the
246 following is substituted in lieu thereof (*Effective October 1, 2021*):

247 The Chief State's Attorney shall establish a formal training program
248 for all newly-appointed prosecuting attorneys consisting of not less than
249 five days and an ongoing training program for all prosecuting attorneys
250 consisting of not less than two days each year. Such training programs
251 shall commence January 1, 1998. On and after July 1, 2022, all such
252 training programs shall include training on (1) racial bias, including
253 implicit bias; (2) systemic collateral consequences of arrest, charging and
254 incarceration; (3) available conviction and sentencing alternatives; (4)

255 victim interview techniques; (5) mental illness and trauma; and (6)
256 reentry strategies for offenders released into the community. At least
257 one day of each ongoing training program and of each training program
258 for newly appointed prosecuting attorneys shall be held in a state
259 correctional facility.

260 Sec. 5. Section 51-280 of the general statutes is repealed and the
261 following is substituted in lieu thereof (*Effective October 1, 2021*):

262 (a) The [Chief State's Attorney and each state's attorney] Office of
263 Policy and Management shall prepare a [merit and] performance
264 [rating] report for each state's attorney [, assistant state's attorney and
265 deputy assistant state's attorney and shall submit the merit and
266 performance rating for each state's attorney to the Criminal Justice
267 Commission for its consideration at the time for reappointing such
268 attorneys to any new term or terms.] based upon data collected pursuant
269 to section 51-286j, as amended by this act. The Office of Policy and
270 Management shall provide the performance report for the state's
271 attorneys for New Britain, Ansonia-Milford, Middlesex, Stamford-
272 Norwalk, Hartford and Waterbury to the Criminal Justice Commission
273 on or before July 1, 2022, and every two years thereafter. The Office of
274 Policy and Management shall provide the performance report for the
275 state's attorneys for Danbury, Fairfield, Litchfield, New Haven, New
276 London, Tolland and Windham to the Criminal Justice Commission on
277 or before July 1, 2023, and every two years thereafter. The commission
278 shall provide each performance report to the state's attorney who is the
279 subject of the performance report and to the Commission on Human
280 Rights and Opportunities and post such report on the Internet web site
281 for the Division of Criminal Justice on the same date that the
282 performance report is provided to the commission.

283 (b) The performance report for each state's attorney required
284 pursuant to subsection (a) of this section shall include, but need not be
285 limited to, the following categories of data for the judicial district that
286 the state's attorney oversees for the evaluation period:

287 (1) The disparity, if any, in outcomes for different demographic
288 groups involved in the criminal justice process, in:

289 (A) Arrests, including citations, summonses, custody arrests,
290 warrants and on-site arrests,

291 (B) Diversionary program applications, successful completions and
292 failures to complete,

293 (C) Nonjudicial sanctions,

294 (D) Plea agreements, including agreements involving probation,
295 agreements involving imprisonment, other agreements and
296 prosecutors' last best offer,

297 (E) Trial dispositions, including dispositions involving probation,
298 dispositions involving prison and other dispositions,

299 (F) Sentence lengths,

300 (G) Court fees or fines, and

301 (H) Restitution amounts ordered;

302 (2) The efficient, timely and consistent administration of criminal
303 cases, as measured by the:

304 (A) Total number of cases dismissed, not prosecuted and nolle, and
305 cases dismissed, not prosecuted and nolle as a percentage of total cases
306 charged,

307 (B) Total number of cases resolved by plea agreement and cases
308 resolved by plea agreement as a percentage of total cases charged,

309 (C) Total number of continuances granted, and

310 (D) Total number of cases resolved by plea agreement where the
311 defendant pled guilty or by plea agreement where the defendant pled
312 guilty or nolo contendere to a lesser charge than that initially charged as

313 a percentage of total cases resolved by plea agreement;

314 (3) The proportionality of criminal justice outcomes relative to both
315 offenses and to the community needs, as measured by the:

316 (A) Total number of cases referred for diversionary programs and
317 cases referred for diversionary programs as a percentage of overall
318 number of cases,

319 (B) Total number of cases with a defendant under twenty-one years
320 of age and the percentage of cases where the defendant was charged as
321 an adult,

322 (C) Total number of median incarceration days for sentences in
323 misdemeanor cases and for sentences in felony cases,

324 (D) Total number of case convictions with a sentence of probation or
325 parole for misdemeanor cases and felony cases,

326 (E) Median probation time in misdemeanor cases and felony cases,

327 (F) Percentage of cases for which restitution was ordered as part of
328 the sentence in misdemeanor cases and felony cases,

329 (G) Total number of sentence modification requests received and
330 total number of sentence modification requests consented to, and

331 (H) Total number of prison admissions from the judicial district as a
332 result of convictions;

333 (4) Internal management and functioning of the state's attorney's
334 office, as measured by the:

335 (A) Existence of and compliance with a business plan for the judicial
336 district,

337 (B) Compliance with the policies created pursuant to section 51-279a
338 as amended by this act,

339 (C) Overall percentage of prosecuting attorneys within the state's
340 attorney's judicial district by race, sex, ethnicity and age, along with
341 percentage of prosecuting attorneys within leadership positions and
342 within nonleadership positions by race, sex, ethnicity and age,

343 (D) Overall median number of cases per prosecuting attorney within
344 the state's attorney's judicial district, along with the number of
345 misdemeanors and felonies charged per prosecuting attorney,

346 (E) Percentage of all cases dismissed, not prosecuted and nolleed that
347 resulted from a lack of witness cooperation,

348 (F) Total number of meritorious ethics violations by prosecuting
349 attorneys within the state's attorney's judicial district, and

350 (G) Median number of hours of professional and legal training
351 completed by prosecuting attorneys within the state's attorney's judicial
352 district, including median number of hours of training on the topics
353 specified in section 51-279c, as amended by this act; and

354 (5) The health of communities impacted by prosecution, as measured
355 by:

356 (A) Victim satisfaction as measured by section 51-279a, as amended
357 by this act,

358 (B) Number of staff assigned to community-based subdivisions
359 within state's attorney's judicial district,

360 (C) Percentage of defendants referred to diversionary programs who
361 successfully complete such programs,

362 (D) Percentage of people who were released from incarceration
363 within the preceding three years who are homeless or without
364 permanent or stable dwellings within the state's attorney's judicial
365 district,

366 (E) Percentage of felony cases dismissed, not prosecuted and nolleed

367 in the highest crime zip code in the judicial district and the percentage
368 of felony cases dismissed, not prosecuted and nolleed in the lowest crime
369 zip code in the judicial district, and

370 (F) Percentage of felony cases dismissed, not prosecuted and nolleed
371 in the highest median income zip code in the judicial district and the
372 percentage of felony cases dismissed, not prosecuted and nolleed in the
373 lowest median income zip code in the judicial district.

374 (c) Using the performance report created by the Office of Policy and
375 Management, the Criminal Justice Commission shall conduct a
376 performance review of each state's attorney every two years after the
377 Office of Policy and Management has filed performance reports for that
378 year, with performance review for the state's attorneys for New Britain,
379 Ansonia-Milford, Middlesex, Stamford-Norwalk, Hartford and
380 Waterbury being conducted in even-numbered years and performance
381 reviews for the state's attorneys for Danbury, Fairfield, Litchfield, New
382 Haven, New London, Tolland and Windham being conducted in odd-
383 numbered years. Each performance review shall occur at a regularly
384 scheduled, duly noticed public meeting and shall include the
385 opportunity for public comment. The commission shall review the
386 performance report for each state's attorney, with the state's attorney
387 given the opportunity to explain any discrepancies between the judicial
388 districts or between past and present performance.

389 (d) When a state's attorney is being considered for reappointment, the
390 performance reports created by the Office of Policy and Management
391 and the performance reviews conducted by the Criminal Justice
392 Commission may be considered by the Criminal Justice Commission.

393 Sec. 6. Section 51-286j of the general statutes is repealed and the
394 following is substituted in lieu thereof (*Effective October 1, 2021*):

395 (a) The Division of Criminal Justice, in consultation with the Judicial
396 Branch, the Department of Correction and the Criminal Justice
397 Information System Governing Board, established under section 54-142,
398 shall collect for the purposes of section 4-68ff disaggregated, case level

399 data by docket number pertaining to defendants who are eighteen years
400 of age or older at the time of the commission of an alleged offense under
401 each of the categories described in subdivisions (1) to [(13)] (14),
402 inclusive, of this subsection, as follows:

403 (1) Arrests, including data on citations, summonses, custody arrests,
404 warrants and on-site arrests;

405 (2) Arraignments of individuals in custody;

406 (3) Continuances;

407 (4) Diversionary programs, including data on program applications,
408 program diversions, successful completions by defendants of such
409 programs, failures by defendants to complete such programs and
410 people in diversion on the first of the month;

411 (5) Contact between victims and prosecutorial officials, including
412 data on cases involving victims;

413 (6) Dispositions, including data on pending cases and cases disposed
414 of;

415 (7) Nonjudicial sanctions, including data on nonjudicial sanctions
416 applied, successful completion of nonjudicial sanctions, failure of
417 nonjudicial sanctions and persons on nonjudicial sanction status on the
418 first of the month;

419 (8) Plea agreements, including data on total plea agreements,
420 agreements involving probation, agreements involving prison, other
421 agreements and prosecutor's last best offer;

422 (9) Cases going to trial, including data on cases added per month,
423 pending trial cases, plea offers accepted by the court per month, plea
424 offers rejected by the court per month, disposition by trial, disposition
425 involving probation, disposition involving prison and other
426 dispositions;

427 (10) Demographics, including data on race, sex, ethnicity and age;

428 (11) Court fees or fines, including those imposed by the court at the
 429 disposition of the defendant's case and any outstanding balance the
 430 defendant may have on such fees or fines;

431 (12) Restitution amounts ordered pursuant to subsection (c) of section
 432 53a-28, including any amount collected by the court and any amount
 433 paid to a victim; [and]

434 (13) The zip code of the defendant's primary residence; and

435 (14) Uses of force investigated by the Office of the Inspector General.

436 (b) No information collected under this section that personally
 437 identifies a victim may be disclosed under section 4-68ff.

438 Sec. 7. Section 51-277c of the general statutes is repealed. (Effective
 439 October 1, 2021)

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2021</i>	51-275a(h)
Sec. 2	<i>October 1, 2021</i>	51-278(b)
Sec. 3	<i>July 1, 2021</i>	51-279a
Sec. 4	<i>October 1, 2021</i>	51-279c
Sec. 5	<i>October 1, 2021</i>	51-280
Sec. 6	<i>October 1, 2021</i>	51-286j

Statement of Purpose:

To (1) increase prosecutorial accountability by (A) providing that the Criminal Justice Commission be an autonomous body, (B) requiring biennial performance evaluations of state's attorneys, (C) requiring adoption and implementation of uniform policies, (D) amending training requirements for prosecutors, (E) outlining data upon which state's attorney performance ratings are based, (F) making policies and reports available online, and (G) adding use of force investigations as a category for which case level data is collected, and (2) repeal the requirement that in the investigation and prosecution of crime, priority

be given to crimes involving physical violence or the possession of a firearm.

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