Amendment

January Session, 2021

LCO No. 9414

Offered by:
SEN. LOONEY, 11th Dist.
SEN. DUFF, 25th Dist.
SEN. WINFIELD, 10th Dist.
REP. STAFSTROM, 129th Dist.
REP. FISHEIN, 90th Dist.

To: Subst. Senate Bill No. 1093 File No. 593 Cal. No. 343

"AN ACT CONCERNING CIVILIAN POLICE REVIEW BOARDS, SECURITY GUARDS, BODY-WORN RECORDING EQUIPMENT AND SEARCHES BY POLICE."

1 Strike section 7 in its entirety and renumber the remaining sections and internal references accordingly

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

"Sec. 501. Subdivision (2) of subsection (e) of section 54-142a of the general statutes, as amended by section 3 of senate bill 1019 of the current session, as amended by Senate Amendment Schedule "A", is repealed and the following is substituted in lieu thereof (Effective January 1, 2023):

(2) Convictions for the following offenses shall not be eligible for
erasure pursuant to this subsection:

(A) Any conviction designated as a family violence crime, as defined in section 46b-38a; [or]

(B) Any conviction for an offense that is a nonviolent sexual offense or a sexually violent offense, each as defined in section 54-250; []

(C) Any conviction for a class D felony offense that is a violation of section 53a-60a, 53a-60b, 53a-60c, 53a-64bb, 53a-72a, 53a-90a, 53a-103a, 53a-181c, 53a-191, 53a-196, 53a-196f, 53a-211, 53a-216, 53a-217a, 53a-322, 54-251, 54-252, 54-253 or 54-254 or subdivision (1) of subsection (a) of section 53a-189a;

(D) Any conviction for a class A misdemeanor offense that is a violation of section 53a-61a, 53a-64cc or 53a-323; or

(E) Any conviction for an offense for which the defendant has not served or completed serving the sentence imposed for such offense, including any period of incarceration, special parole, parole or probation, unless and until the applicable time period prescribed in subdivision (1) of this subsection has elapsed and the defendant has completed serving such sentence.

Sec. 502. Subsection (c) of section 7-294d of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2021):

(c) (1) The council may refuse to renew any certificate if the holder fails to meet the requirements for renewal of his or her certification.

(2) The council may cancel or revoke any certificate if: (A) The certificate was issued by administrative error, (B) the certificate was obtained through misrepresentation or fraud, (C) the holder falsified any document in order to obtain or renew any certificate, (D) the holder has been convicted of a felony, (E) the holder has been found not guilty of a felony by reason of mental disease or defect pursuant to section 53a-13, (F) the holder has been convicted of a violation of section 21a-279,
(G) the holder has been refused issuance of a certificate or similar authorization or has had his or her certificate or other authorization cancelled or revoked by another jurisdiction on grounds which would authorize cancellation or revocation under the provisions of this subdivision, (H) the holder has been found by a law enforcement unit, pursuant to procedures established by such unit, to have used a firearm in an improper manner which resulted in the death or serious physical injury of another person, (I) the holder has been found by a law enforcement unit, pursuant to procedures established by such unit and considering guidance developed under subsection (g) of this section, to have engaged in conduct that undermines public confidence in law enforcement, including, but not limited to, discriminatory conduct, falsification of reports, issuances of orders that are not lawful orders or a violation of the Alvin W. Penn Racial Profiling Prohibition Act pursuant to sections 54-11 and 54-1m, provided, when evaluating any such conduct, the council considers such conduct engaged in while the holder is acting in such holder's law enforcement capacity or representing himself or herself to be a police officer to be more serious than such conduct engaged in by a holder not acting in such holder's law enforcement capacity or representing himself or herself to be a police officer; (J) the holder has been found by a law enforcement unit, pursuant to procedures established by such unit, to have used physical force on another person in a manner that is excessive or used physical force in a manner found to not be justifiable after an investigation conducted pursuant to section 51-277a, or (K) the holder has been found by a law enforcement unit, pursuant to procedures established by such unit, to have committed any act that would constitute tampering with or fabricating physical evidence in violation of section 53a-155, perjury in violation of section 53a-156 or false statement in violation of section 53a-157b. Whenever the council believes there is a reasonable basis for suspension, cancellation or revocation of the certification of a police officer, police training school or law enforcement instructor, it shall give notice and an adequate opportunity for a hearing prior to such suspension, cancellation or revocation. Such hearing shall be conducted in accordance with the provisions of chapter 54. Any holder aggrieved
by the decision of the council may appeal from such decision in accordance with the provisions of section 4-183. The council may cancel or revoke any certificate if, after a de novo review, it finds by clear and convincing evidence (i) a basis set forth in subparagraphs (A) to (G), inclusive, of this subdivision, or (ii) that the holder of the certificate committed an act set forth in subparagraph (H), (I), (J) or (K) of this subdivision. In any such case where the council finds such evidence, but determines that the severity of an act committed by the holder of the certificate does not warrant cancellation or revocation of such holder's certificate, the council may suspend such holder's certification for a period of up to forty-five days and may censure such holder of the certificate. Any police officer or law enforcement instructor whose certification is cancelled or revoked pursuant to this section may reapply for certification no sooner than two years after the date on which the cancellation or revocation order becomes final. Any police training school whose certification is cancelled or revoked pursuant to this section may reapply for certification at any time after the date on which such order becomes final. For purposes of this subdivision, a lawful order is an order issued by a police officer who is in uniform or has identified himself or herself as a police officer to the person such order is issued to at the time such order is issued, and which order is reasonably related to the fulfillment of the duties of the police officer who is issuing such order, does not violate any provision of state or federal law and is only issued for the purposes of (I) preventing, detecting, investigating or stopping a crime, (II) protecting a person or property from harm, (III) apprehending a person suspected of a crime, (IV) enforcing a law, (V) regulating traffic, or (VI) assisting in emergency relief, including the administration of first aid.

Sec. 503. (NEW) (Effective October 1, 2021) (a) For purposes of this section, "criminal act" means criminal act, as defined in section 53a-224 of the general statutes.

(b) A person is guilty of enticing a juvenile to commit a criminal act if such person is twenty-three years of age or older and knowingly causes, encourages, solicits, recruits, intimidates or coerces a person
under eighteen years of age to commit or participate in the commission of a criminal act.

(c) Enticing a juvenile to commit a criminal act is a (1) class A misdemeanor for first offense, and (2) class D felony for any subsequent offense.

Sec. 504. (Effective from passage) (a) The Judicial Branch shall conduct a study to determine the feasibility of (1) decreasing the period of time between the arrest of a child and such child's initial court appearance, in order to increase the likelihood that such child will attend such appearance and reduce the likelihood of such child's recidivism, and (2) establishing a diversionary program for children who are arrested, in which participants shall report to a judge, juvenile probation officer or clinical social worker licensed pursuant to chapter 383b of the general statutes, on a weekly basis from the period of arrest until the adjudication of the matter in order to reduce the likelihood of recidivism.

(b) Not later than January 1, 2022, the Judicial Branch shall report the findings of the study conducted pursuant to subsection (a) of this section, in accordance with the provisions of section 11-4a of the general statutes, to the joint standing committees of the General Assembly having cognizance of matters relating to the judiciary and children.

Sec. 505. Subsection (d) of section 54-91c of the general statutes is repealed and the following is substituted in lieu thereof (Effective January 1, 2023):

(d) Upon the request of a victim, prior to the acceptance by the court of a plea of a defendant pursuant to a proposed plea agreement, the state's attorney, assistant state's attorney or deputy assistant state's attorney in charge of the case shall provide such victim with the terms of such proposed plea agreement in writing. If the terms of the proposed plea agreement provide for a term of imprisonment which is more than two years or a total effective sentence of more than a two-year term of imprisonment, the state's attorney, assistant state's attorney or deputy
assistant state's attorney in charge of the case shall indicate: (1) The
maximum period of imprisonment that may apply to the defendant; (2)
whether the defendant may be eligible to earn risk reduction credits
pursuant to section 18-98e; [and] (3) whether the defendant may be
eligible to apply for release on parole pursuant to section 54-125a; and
(4) whether the defendant may be eligible for automatic erasure of such
defendant's criminal conviction pursuant to subsection (e) of section 54-
142a, as amended by this act."

This act shall take effect as follows and shall amend the following
sections:

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<td>Sec. 501</td>
<td>January 1, 2023</td>
<td>54-142a(e)(2)</td>
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<td>7-294d(c)</td>
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