



Substitute House Bill No. 5393

Public Act No. 22-26

**AN ACT CONCERNING COURT OPERATIONS AND THE UNIFORM
COMMERCIAL REAL ESTATE RECEIVERSHIP ACT.**

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

Section 1. Subsection (a) of section 4b-51 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) The Commissioner of Administrative Services shall have charge and supervision of the remodeling, alteration, repair or enlargement of any real asset, except any dam, flood or erosion control system, highway, bridge or any mass transit, marine or aviation transportation facility, a facility of the Connecticut Marketing Authority, an asset of the Department of Agriculture program established pursuant to section 26-237a, or any building under the supervision and control of the Joint Committee on Legislative Management, involving an expenditure in excess of five hundred thousand dollars, and except that (1) the Judicial Branch may have charge and supervision of the remodeling, alteration, repair, construction or enlargement of any real asset involving an expenditure of not more than [one million two hundred fifty thousand] two million dollars, (2) each constituent unit of the state system of higher education may have charge and supervision of the remodeling, alteration, repair, construction or enlargement of any real asset

Substitute House Bill No. 5393

involving an expenditure of not more than two million dollars, (3) The University of Connecticut shall have charge and supervision of the remodeling, alteration, repair, construction, or enlargement of any project, as defined in subdivision (16) of section 10a-109c, notwithstanding the amount of the expenditure involved, and (4) the Military Department may have charge and supervision of the remodeling, alteration, repair, construction or enlargement of any real asset involving an expenditure of not more than two million dollars. In any decision to remodel, alter, repair or enlarge any real asset, the commissioner shall consider the capability of the real asset to facilitate recycling programs.

Sec. 2. Section 17a-692 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) The Court Support Services Division shall [have custody of] supervise (1) any person charged with a crime for whom the court, pursuant to the provisions of section 17a-696, as amended by this act, has suspended prosecution and ordered treated for alcohol or drug dependency, and (2) any person convicted of a crime whom the court, pursuant to the provisions of section 17a-699, has sentenced to a period of probation and ordered treated for alcohol or drug dependency.

(b) The Court Support Services Division may (1) coordinate, pursuant to the provisions of section 17a-694, the examination of any person [in its custody] under its supervision, (2) coordinate the placement of such person for treatment for alcohol or drug dependency, and (3) monitor the progress and behavior of such person in the treatment program.

(c) The Court Support Services Division may transfer any person in a treatment program to another treatment program with the agreement of the director of the program to which the person is proposed to be transferred.

Substitute House Bill No. 5393

(d) Any person [in the custody] under the supervision of the Court Support Services Division under the provisions of section 17a-696, as amended by this act, or 17a-699 may, without any notice, be tested for use of alcohol or drugs.

Sec. 3. Subsection (c) of section 17a-696 of the 2022 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(c) A suspension of prosecution ordered under the provisions of subsection (b) of this section may be for a period not exceeding two years. During the period of suspension, an accused person shall be placed [in the custody] under the supervision of the Court Support Services Division for treatment for alcohol or drug dependency. The court or the Court Support Services Division may require that the person (1) comply with any of the conditions specified in subsections (a) and (b) of section 53a-30, and (2) be tested for use of alcohol or drugs during the period of suspension. The accused person shall, unless indigent, pay the cost of treatment ordered under this section.

Sec. 4. Subsection (h) of section 29-33 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(h) If the court finds that a violation of this section is not of a serious nature and that the person charged with such violation (1) will probably not offend in the future, (2) has not previously been convicted of a violation of this section, and (3) has not previously had a prosecution under this section suspended pursuant to this subsection, the court may order suspension of prosecution. The court shall not order suspension of prosecution unless the accused person has acknowledged that he understands the consequences of the suspension of prosecution. Any person for whom prosecution is suspended shall agree to the tolling of any statute of limitations with respect to such violation and to a waiver

Substitute House Bill No. 5393

of his right to a speedy trial. Such person shall appear in court and shall be released to the [custody] supervision of the Court Support Services Division for such period, not exceeding two years, and under such conditions as the court shall order. If the person refuses to accept, or, having accepted, violates such conditions, the court shall terminate the suspension of prosecution and the case shall be brought to trial. If such person satisfactorily completes his period of probation, he may apply for dismissal of the charges against him and the court, on finding such satisfactory completion, shall dismiss such charges. If the person does not apply for dismissal of the charges against him after satisfactorily completing his period of probation, the court, upon receipt of a report submitted by the Court Support Services Division that the person satisfactorily completed his period of probation, may on its own motion make a finding of such satisfactory completion and dismiss such charges. Upon dismissal, all records of such charges shall be erased pursuant to section 54-142a, as amended by this act. An order of the court denying a motion to dismiss the charges against a person who has completed his period of probation or terminating the participation of a defendant in such program shall be a final judgment for purposes of appeal.

Sec. 5. Subsection (g) of section 29-36a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(g) If the court finds that a violation of this section is not of a serious nature and that the person charged with such violation (1) will probably not offend in the future, (2) has not previously been convicted of a violation of this section, and (3) has not previously had a prosecution under this section suspended pursuant to this subsection, the court may order suspension of prosecution. The court shall not order suspension of prosecution unless the accused person has acknowledged that he or she understands the consequences of the suspension of prosecution.

Substitute House Bill No. 5393

Any person for whom prosecution is suspended shall agree to the tolling of any statute of limitations with respect to such violation and to a waiver of his or her right to a speedy trial. Such person shall appear in court and shall be released to the [custody] supervision of the Court Support Services Division for such period, not exceeding two years, and under such conditions as the court shall order. If the person refuses to accept, or, having accepted, violates such conditions, the court shall terminate the suspension of prosecution and the case shall be brought to trial. If such person satisfactorily completes such person's period of probation, he or she may apply for dismissal of the charges against such person and the court, on finding such satisfactory completion, shall dismiss such charges. If the person does not apply for dismissal of the charges against such person after satisfactorily completing such person's period of probation, the court, upon receipt of a report submitted by the Court Support Services Division that the person satisfactorily completed such person's period of probation, may on its own motion make a finding of such satisfactory completion and dismiss such charges. Upon dismissal, all records of such charges shall be erased pursuant to section 54-142a, as amended by this act. An order of the court denying a motion to dismiss the charges against a person who has completed such person's period of probation or terminating the participation of a defendant in such program shall be a final judgment for purposes of appeal.

Sec. 6. Subsection (i) of section 29-37a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(i) If the court finds that a violation of this section is not of a serious nature and that the person charged with such violation (1) will probably not offend in the future, (2) has not previously been convicted of a violation of this section, and (3) has not previously had a prosecution under this section suspended pursuant to this subsection, it may order

Substitute House Bill No. 5393

suspension of prosecution. The court shall not order suspension of prosecution unless the accused person has acknowledged that he understands the consequences of the suspension of prosecution. Any person for whom prosecution is suspended shall agree to the tolling of any statute of limitations with respect to such violation and to a waiver of his right to a speedy trial. Such person shall appear in court and shall be released to the [custody] supervision of the Court Support Services Division for such period, not exceeding two years, and under such conditions as the court shall order. If the person refuses to accept, or, having accepted, violates such conditions, the court shall terminate the suspension of prosecution and the case shall be brought to trial. If such person satisfactorily completes his period of probation, he may apply for dismissal of the charges against him and the court, on finding such satisfactory completion, shall dismiss such charges. If the person does not apply for dismissal of the charges against him after satisfactorily completing his period of probation, the court, upon receipt of a report submitted by the Court Support Services Division that the person satisfactorily completed his period of probation, may on its own motion make a finding of such satisfactory completion and dismiss such charges. Upon dismissal, all records of such charges shall be erased pursuant to section 54-142a, as amended by this act. An order of the court denying a motion to dismiss the charges against a person who has completed his period of probation or terminating the participation of a defendant in such program shall be a final judgment for purposes of appeal.

Sec. 7. Subsection (c) of section 29-38g of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(c) The court may order suspension of prosecution if the court finds that a violation of this section is not of a serious nature and that the person charged with such violation (1) (A) will probably not offend in

Substitute House Bill No. 5393

the future, (B) has not previously been convicted of a violation of this section, and (C) has not previously had a prosecution under this section suspended pursuant to this subsection, or (2) was charged with such violation because of facts or circumstances accurately reported by such person to an organized local police department concerning a lost or stolen firearm in accordance with the provisions of section 53-202g. The court shall not order suspension of prosecution unless the accused person has acknowledged that he or she understands the consequences of the suspension of prosecution. Any person for whom prosecution is suspended shall agree to the tolling of any statute of limitations with respect to such violation and to a waiver of his or her right to a speedy trial. Such person shall appear in court and shall be released to the [custody] supervision of the Court Support Services Division for such period, not exceeding two years, and under such conditions as the court shall order. If the person refuses to accept, or, having accepted, violates such conditions, the court shall terminate the suspension of prosecution and the case shall be brought to trial. If such person satisfactorily completes such person's period of probation, he or she may apply for dismissal of the charges against such person and the court, on finding such satisfactory completion, shall dismiss such charges. If the person does not apply for dismissal of the charges against such person after satisfactorily completing such person's period of probation, the court, upon receipt of a report submitted by the Court Support Services Division that the person satisfactorily completed such person's period of probation, may on its own motion make a finding of such satisfactory completion and dismiss such charges. Upon dismissal, all records of such charges shall be erased pursuant to section 54-142a, as amended by this act. An order of the court denying a motion to dismiss the charges against a person who has completed such person's period of probation or terminating the participation of a defendant in such program shall be a final judgment for purposes of appeal.

Sec. 8. Section 46b-65 of the 2022 supplement to the general statutes

Substitute House Bill No. 5393

is repealed and the following is substituted in lieu thereof (*Effective October 1, 2022*):

(a) If the parties to a decree of legal separation at any time [resume marital relations and file their] file a written declaration [of resumption,] stating that they no longer wish to be legally separated and the declaration is signed, acknowledged and witnessed, and filed with the clerk of the superior court for the judicial district in which the separation was decreed, the declaration shall be entered upon the docket, under the entries relating to the complaint, and the decree shall be vacated and the complaint shall be deemed dismissed.

(b) [If no declaration has been filed under subsection (a) of this section, then at] At any time after the entry of a decree of legal separation, either party may petition the superior court for the judicial district in which the decree was entered for a decree dissolving the marriage. The court may enter the decree in the presence of the party seeking the dissolution or, if a party attests that no restraining order issued pursuant to section 46b-15, as amended by this act, or protective order issued pursuant to section 46b-38c, between the parties is in effect or pending before the court, the court may enter the decree without requiring the presence of either party.

Sec. 9. Subsection (d) of section 46b-124 of the 2022 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(d) Records of cases of juvenile matters involving delinquency proceedings shall be available to (1) Judicial Branch employees who, in the performance of their duties, require access to such records, (2) judges and employees of the Probate Court who, in the performance of their duties, require access to such records, and (3) employees and authorized agents of state or federal agencies involved in (A) the delinquency proceedings, (B) the provision of services directly to the child, or (C) the

Substitute House Bill No. 5393

delivery of court diversionary programs. Such employees and authorized agents include, but are not limited to, law enforcement officials, community-based youth service bureau officials, state and federal prosecutorial officials, school officials in accordance with section 10-233h, court officials including officials of both the regular criminal docket and the docket for juvenile matters and officials of the Division of Criminal Justice, the Division of Public Defender Services, the Department of Children and Families, if the child is committed pursuant to section 46b-129, provided such disclosure shall be limited to (i) information that identifies the child as the subject of the delinquency petition, or (ii) the records of the delinquency proceedings, when the juvenile court orders the department to provide services to said child, the Court Support Services Division and agencies under contract with the Judicial Branch. Such records shall also be available to (I) the attorney representing the child, including the Division of Public Defender Services, in any proceeding in which such records are relevant, (II) the parents or guardian of the child, until such time as the subject of the record reaches the age of majority, (III) the subject of the record, upon submission of satisfactory proof of the subject's identity, pursuant to guidelines prescribed by the Office of the Chief Court Administrator, provided the subject has reached the age of majority, (IV) law enforcement officials and prosecutorial officials conducting legitimate criminal investigations or seeking an order to detain pursuant to section 46b-133, as amended by this act, (V) a state or federal agency providing services related to the collection of moneys due or funding to support the service needs of eligible juveniles, provided such disclosure shall be limited to that information necessary for the collection of and application for such moneys, (VI) members and employees of the Board of Pardons and Paroles and employees of the Department of Correction who, in the performance of their duties, require access to such records, provided the subject of the record has been convicted of a crime in the regular criminal docket of the Superior Court and such records are relevant to the performance of a risk and needs assessment of such

Substitute House Bill No. 5393

person while such person is incarcerated, the determination of such person's suitability for release from incarceration or for a pardon, or the determination of the supervision and treatment needs of such person while on parole or other supervised release, and (VII) members and employees of the Judicial Review Council who, in the performance of their duties related to said council, require access to such records. Records disclosed pursuant to this subsection shall not be further disclosed, except that information contained in such records may be disclosed in connection with bail or sentencing reports in open court during criminal proceedings involving the subject of such information, or as otherwise provided by law.

Sec. 10. Subsection (c) of section 46b-127 of the 2022 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

[(c) (1) (A) Any proceeding of any case transferred to the regular criminal docket pursuant to this section shall be (i) private, except that any victim and the victim's next of kin shall not be excluded from such proceeding, and (ii) conducted in such parts of the courthouse or the building in which the court is located that are separate and apart from the other parts of the court which are then being used for proceedings pertaining to adults charged with crimes. Any records of such proceedings shall be confidential in the same manner as records of cases of juvenile matters are confidential in accordance with the provisions of section 46b-124, except as provided in subparagraph (B) of this subdivision, unless and until the court or jury renders a verdict or a guilty plea is entered in such case on the regular criminal docket. For the purposes of this subparagraph, (I) "victim" means the victim of the crime, a parent or guardian of such person, the legal representative of such person, or a victim advocate for such person under section 54-220, or a person designated by a victim in accordance with section 1-56r, and (II) "next of kin" means a spouse, an adult child, a parent, an adult

Substitute House Bill No. 5393

sibling, an aunt, an uncle or a grandparent.

(B) Records of any child whose case is transferred to the regular criminal docket under this section, or any part of such records, shall be available to the victim of the crime committed by the child to the same extent as the records of the case of a defendant in a criminal proceeding in the regular criminal docket of the Superior Court is available to a victim of the crime committed by such defendant. The court shall designate an official from whom the victim may request such records. Records disclosed pursuant to this subparagraph shall not be further disclosed.]

[(2)] (c) If a case is transferred to the regular criminal docket pursuant to subdivision (3) of subsection (a) of this section or subsection (b) of this section, or if a case is transferred to the regular criminal docket pursuant to subdivision (1) of subsection (a) of this section and the charge in such case is subsequently reduced to that of the commission of an offense for which a case may be transferred pursuant to subdivision (2) or (3) of subsection (a) of this section or subsection (b) of this section, the court sitting for the regular criminal docket may return the case to the docket for juvenile matters at any time prior to the court or jury rendering a verdict or the entry of a guilty plea for good cause shown for proceedings in accordance with the provisions of this chapter.

Sec. 11. Subsection (d) of section 46b-133 of the 2022 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2022*):

(d) When a child is arrested for the commission of a delinquent act and the child is not placed in a juvenile residential center or referred to a diversionary program, an officer shall serve a written complaint and summons on the child and the child's parent, guardian or some other suitable person or agency. If such child is released to the child's own custody, the officer shall make reasonable efforts to notify, and to

Substitute House Bill No. 5393

provide a copy of a written complaint and summons to, the parent or guardian or some other suitable person or agency prior to the court date on the summons. If a child is arrested for a firearms offense or a motor vehicle offense, the court date shall be scheduled for the next business day following the date of the child's arrest for such offense. If any person so summoned wilfully fails to appear in court at the time and place so specified, the court may issue a warrant for the child's arrest or a *capias* to assure the appearance in court of such parent, guardian or other person. If a child wilfully fails to appear in response to such a summons, the court may order such child taken into custody and such child may be charged with the delinquent act of wilful failure to appear under section 46b-120. The court may punish for contempt, as provided in section 46b-121, any parent, guardian or other person so summoned who wilfully fails to appear in court at the time and place so specified.

Sec. 12. Section 46b-133l of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

[Not later than August 1, 2020, and monthly thereafter, the] The Commissioner of Correction and the executive director of the Court Support Services Division of the Judicial Department shall report to the Juvenile Justice Policy and Oversight Committee established pursuant to section 46b-121n each instance [, if any,] of use of chemical agents or prone restraints on any person ages seventeen years of age or younger detained in any facility operated or overseen by said commissioner or executive director not later than thirty days after the date of such instance.

Sec. 13. Subdivision (5) of subsection (m) of section 46b-231 of the 2022 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(5) Venue for proceedings to establish parentage in IV-D support cases shall be in accordance with the provisions of subsection [(d)] (e) of

Substitute House Bill No. 5393

section 46b-461. The matter shall be heard and determined by a family support magistrate in accordance with the provisions of chapter 815y.

Sec. 14. Section 51-1d of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

There is established a Court Support Services Division within the Judicial Branch consisting of [the Office of Adult Probation, the Office of Alternative Sanctions, the Office of the Bail Commission, the Family Division and the Juvenile Detention Services Division] Adult Probation Services, Family Services, Pretrial Services, Juvenile Services and Juvenile Clinical, Educational and Residential Services. Notwithstanding any provision of the general statutes, the duties of the various offices, divisions and personnel which comprise the Court Support Services Division are transferred to the Court Support Services Division, and the Office of Adult Probation, Office of Alternative Sanctions, Office of the Bail Commission, Family Division and Juvenile Detention Services Division are dissolved. The Judicial Branch shall establish such job titles and assign the units and functions formerly assigned to the offices, divisions and personnel which comprise the Court Support Services Division in order to efficiently and effectively carry out the duties of the Court Support Services Division.

Sec. 15. Subsection (a) of section 51-60 of the 2022 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) As used in this chapter:

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

(2) "Public defender" means a public defender, assistant public defender, deputy assistant public defender and Division of Public

Substitute House Bill No. 5393

Defender Services assigned counsel;

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

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

(5) "Transcript page" means a page consisting of twenty-seven double-spaced lines on paper eight and one-half by eleven inches in size, if printed, with sixty spaces available per line, on paper or stored in an electronic medium that is retrievable in a perceivable form.

Sec. 16. Subsection (a) of section 51-63 of the 2022 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

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

(2) In addition to a salary, an official court reporter and a court recording monitor shall be entitled to charge any public official, other than a judicial officer or employee of the Judicial Branch, two dollars for each transcript page which is ordered and transcribed from the official record as provided by law, provided such rate may only be charged once. The charge to any public official, other than a judicial officer or

Substitute House Bill No. 5393

employee of the Judicial Branch, shall be seventy-five cents for each transcript page previously produced, except (A) there shall be no charge to the state's attorney for a transcript provided pursuant to subsection (d) of section 51-61, and (B) there shall be no charge to the court for a transcript provided pursuant to subsection (f) of section 51-61.

Sec. 17. Section 51-94a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

No attorney appointed by the court pursuant to rules of the Superior Court, or pursuant to the court's inherent authority to regulate attorney conduct, to inventory the files of an inactive, suspended, disbarred, deceased or resigned attorney and to take necessary action to protect the interests of the inactive, suspended, disbarred, deceased or resigned attorney's clients shall be liable for damage or injury, not wanton, reckless or malicious, caused in the discharge of the appointed attorney's duties in connection with such inventory and action. Any attorney so appointed by the court shall be deemed to be a state officer or employee for purposes of indemnification and defense under section 5-141d.

Sec. 18. Subsection (b) of section 51-164n of the 2022 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2022*):

(b) Notwithstanding any provision of the general statutes, any person who is alleged to have committed (1) a violation under the provisions of section 1-9, 1-10, 1-11, 2-71h, 4b-13, 7-13, 7-14, 7-35 [,] or 7-41, subsection (c) of section 7-66, section 7-83, 7-147h, 7-148, 7-148f, 7-148o, 7-283, 7-325, 7-393, 8-12, 8-25, 8-27, 9-63, 9-322, 9-350, 10-185, 10-193, 10-197, 10-198, 10-230, 10-251, 10-254, 10a-35, 12-52, 12-54, 12-129b or 12-170aa, subdivision (3) of subsection (e) of section 12-286, section 12-286a, 12-292, 12-314b or 12-326g, subdivision (4) of section 12-408, subdivision (3), (5) or (6) of section 12-411, section 12-435c, 12-476a, 12-476b, 12-476c,

Substitute House Bill No. 5393

12-487, 13a-71, 13a-107, 13a-113, 13a-114, 13a-115, 13a-117b, 13a-123, 13a-124, 13a-139, 13a-140, 13a-143b, 13a-247, 13a-253, [or] 13a-263 [,] or 13b-39f, subsection (f) of section 13b-42, section 13b-90 [,] or 13b-100, subsection (a) of section 13b-108, section 13b-221 [,] or 13b-292, subsection (a) or (b) of section 13b-324, section 13b-336, 13b-337, 13b-338, 13b-410a, 13b-410b or 13b-410c, subsection (a), (b) or (c) of section 13b-412, section 13b-414 or 14-4, subdivision (2) of subsection (a) of section 14-12, subsection (d) of section 14-12, subsection (f) of section 14-12a, subsection (a) of section 14-15a, section 14-16c, 14-20a or 14-27a, subsection (f) of section 14-34a, subsection (d) of section 14-35, section 14-43, 14-44j, 14-49, 14-50a, [or] 14-58 or 14-62a, subsection (b) of section 14-66, section 14-66a or 14-67a, subsection (g) of section 14-80, subsection (f) or (i) of section 14-80h, section 14-97a [,] or 14-98, subsection (a), (b) or (d) of section 14-100a, section 14-100b, 14-103a, 14-106a, 14-106c, 14-145a or 14-146, subsection (b) of section 14-147, section 14-152, 14-153, 14-161 or 14-163b, [a first violation as specified in] subsection (f) of section 14-164i, section 14-213b or 14-219, [as specified in subsection (e) of said section,] subdivision (1) of section 14-223a, subsection (d) of section 14-224, section 14-240, 14-250, [or] 14-253a, [subsection (a) of section] 14-261a, [section] 14-262, 14-264, 14-266, 14-267a, 14-269, 14-270, 14-272b, 14-274, 14-275 or 14-275a, subsection (c) of section 14-275c, section 14-276, subsection (a) or (b) of section 14-277, section 14-278, [or] 14-279 or 14-280, subsection (b), (e) or (h) of section 14-283, section 14-283d, 14-283e, 14-283f, 14-283g, 14-291, 14-293b, 14-296aa, 14-298a, 14-300, 14-300d, 14-300f, 14-319, 14-320, 14-321, 14-325a, 14-326, 14-330 or 14-332a, subdivision (1), (2) or (3) of section 14-386a, section 15-15e, 15-25 or 15-33, subdivision (1) of section 15-97, subsection (a) of section 15-115, section 16-15, 16-16, 16-44, 16-256e, 16-278 or 16a-15, [or] subsection (a) of section 16a-21, section 16a-22, subsection (a) or (b) of section 16a-22h, section 16a-106, 17a-24, 17a-145, 17a-149 [,] or 17a-152, subsection (b) of section 17a-227, section 17a-465, subsection (c) of section 17a-488, section 17b-124, 17b-131, 17b-137, 19a-30, 19a-33, 19a-39 or 19a-87, subsection (b) of section 19a-87a, section 19a-91, 19a-102a, 19a-

Substitute House Bill No. 5393

102b, 19a-105, 19a-107, 19a-113, 19a-215, 19a-216a, 19a-219, 19a-222, 19a-224, 19a-286, 19a-287, 19a-297, 19a-301, 19a-309, 19a-335, 19a-336, 19a-338, 19a-339, 19a-340, 19a-425, 19a-442, 19a-502, 20-7a, 20-14, 20-153a, 20-158, 20-231, 20-233, 20-249, 20-257, 20-265, 20-324e, 20-329c or 20-329g, subsection (b) of section 20-334, section 20-341l, 20-366, 20-482, 20-597, 20-608, 20-610, 20-623, 21-1, 21-38, 21-39, 21-43, 21-47, 21-48 [,] or 21-63, subsection (d) of section 21-71, [or] section 21-76a or 21-100, subsection (c) of section 21a-2, subdivision (1) of section 21a-19, section 21a-20 or 21a-21, subdivision (1) of subsection (b) of section 21a-25, section 21a-26 or 21a-30, subsection (a) of section 21a-37, section 21a-46, 21a-61, 21a-63, 21a-70b or 21a-77, subsection (b) or (c) of section 21a-79, section 21a-85 or 21a-154, subdivision (1) of subsection (a) of section 21a-159, section 21a-278b, subsection (c), (d) or (e) of section 21a-279a, section 21a-421eee, 21a-421fff, subsection (a) of section 21a-430, section 22-12b, 22-13, 22-14, 22-15, 22-16, 22-26g, [22-29,] 22-30, 22-34, 22-35, 22-36, 22-38, 22-39, 22-39f, 22-49, 22-54, 22-61j or 22-61l, subdivision (1) of subsection (n) of section 22-61l, subsection (f) of section 22-61m, subdivision (1) of subsection (f) of section 22-61m, [subsection (d) of] section 22-84, [section] 22-89, 22-90, 22-96, 22-98, 22-99, 22-100 [,] or 22-111o, subsection (d) of section 22-118l, section 22-167, subsection (c) of section 22-277, section 22-278, 22-279, 22-280a, 22-318a, 22-320h, 22-324a [,] or 22-326, subsection (b), subdivision (1) or (2) of subsection (e) or subsection (g) of section 22-344, [subdivision (2) of] subsection (a) or (b) of section 22-344b, [subsection (d) of] section 22-344c, subsection (d) of section 22-344d, section 22-344f, 22-350a, 22-354, 22-359, 22-366, 22-391, 22-413, 22-414, 22-415, 22-415c, 22a-66a or 22a-246, subsection (a) of section 22a-250, section 22a-256g, subsection (e) of section 22a-256h, section 22a-363 or 22a-381d, subsections (c) and (d) of section 22a-381e, section 22a-449, 22a-450, 22a-461, 23-4b, 23-38, 23-45, 23-46 or 23-61b, subsection (a) or subdivision (1) of subsection (c) of section 23-65, section 25-37 or 25-40, subsection (a) of section 25-43, section 25-43d, 25-135, 26-18, 26-19, 26-21, 26-31, 26-40, 26-40a, 26-42, 26-43, 26-49, 26-54, 26-55, 26-56, 26-58 or 26-59, subdivision (1) of subsection (d) of section 26-61,

Substitute House Bill No. 5393

section 26-64, subdivision (1) of section 26-76, section 26-79, 26-87, 26-89, 26-91, 26-94, 26-97, 26-98, 26-104, 26-105, 26-107, 26-114a, 26-117, 26-128, 26-128a, 26-131, 26-132, 26-138, 26-139 or 26-141, subdivision (1) of section 26-186, section 26-207, 26-215, 26-217 or 26-224a, subdivision (1) of section 26-226, section 26-227, 26-230, 26-231, 26-232, 26-244, 26-257a, 26-260, 26-276, 26-280, 26-284, 26-285, 26-286, 26-287, 26-288, 26-290, 26-291a, 26-292, 26-294, 27-107, 28-13, 29-6a, 29-16, 29-17, 29-25, 29-143o, 29-143z or 29-156a, subsection (b), (d), (e), [or] (g) or (h) of section 29-161q, section 29-161y or 29-161z, subdivision (1) of section 29-198, section 29-210, 29-243 or 29-277, subsection (c) of section 29-291c, section 29-316 [,] or 29-318, subsection (b) of section 29-335a, section 29-381, 30-19f, 30-48a [,] or 30-86a, subsection (b) of section 30-89, subsection (c) or (d) of section 30-117, section 31-3, 31-10, 31-11, 31-12, 31-13, 31-14, 31-15, 31-16, 31-18, 31-23, 31-24, 31-25, 31-32, 31-36, 31-38, 31-40, 31-44, 31-47 [,] or 31-48, subsection (b) of section 31-48b, section 31-51, 31-51g, 31-52, 31-52a, 31-53 or 31-54, subsection (a) or (c) of section 31-69, section 31-70, 31-74, 31-75, 31-76, 31-76a, 31-89b or 31-134, subsection (i) of section 31-273, section 31-288, 31-348, 33-624, 33-1017, 34-13d or 34-412, subdivision (1) of section 35-20, subsection (a) of section 36a-57, subsection (b) of section 36a-665, section 36a-699, 36a-739, 36a-787, 38a-2 or 38a-140, subsection (a) or (b) of section 38a-278, section 38a-479qq, 38a-479rr, 38a-506, 38a-548, 38a-626, 38a-680, 38a-713, 38a-733, 38a-764, 38a-786, 38a-828, 38a-829, 38a-885, 42-133hh, 42-230, 42-470 or 42-480, subsection (a) or (c) of section 43-16q, section 45a-283, 45a-450, 45a-634 or 45a-658, subdivision (13) or (14) of section 46a-54, section 46a-59, 46a-81b, 46b-22, 46b-24, 46b-34, 46b-38d, 47-34a, 47-47 or 47-53, subsection (i) of section 47a-21, subdivision (1) of subsection (k) of section 47a-21, section 49-2a, 49-8a, 49-16, 52-143 or 52-289, subsection (j) of section 52-362, section 53-133, 53-199, 53-212a, 53-249a, 53-252, 53-264, 53-280, 53-290a, 53-302a, 53-303e, 53-311a, 53-314, 53-321, 53-322, 53-323 [,] or 53-331, [or] subsection (b) of section 53-343a, section 53-344, subsection (b) or (c) of section 53-344b, [or] subsection (b) of section 53-345a, section 53-377, 53-422 or 53-450 or subsection (i) of section 54-36a, or (2) a

Substitute House Bill No. 5393

violation under the provisions of chapter 268, or (3) a violation of any regulation adopted in accordance with the provisions of section 12-484, 12-487 or 13b-410, or (4) a violation of any ordinance, regulation or bylaw of any town, city or borough, except violations of building codes and the health code, for which the penalty exceeds ninety dollars but does not exceed two hundred fifty dollars, unless such town, city or borough has established a payment and hearing procedure for such violation pursuant to section 7-152c, shall follow the procedures set forth in this section.

Sec. 19. Subsection (a) of section 51-217 of the 2022 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) All jurors shall be electors, individuals lawfully admitted for permanent residence, as defined in 8 USC 1101(a)(20), as amended from time to time, or citizens of the United States, who are residents of this state having a permanent place of abode in this state and appear on the list compiled by the Jury Administrator under subsection (b) of section 51-222a, who have reached the age of eighteen. A person shall be disqualified to serve as a juror if such person: (1) Is found by a judge of the Superior Court to exhibit any quality which will impair the capacity of such person to serve as a juror, except that no person shall be disqualified because the person is deaf or hard of hearing; (2) has been convicted of a felony within the past three years or is a defendant in a pending felony case or is in the custody of the Commissioner of Correction; (3) is not able to speak and understand the English language; (4) is the Governor, Lieutenant Governor, Secretary of the State, Treasurer, Comptroller or Attorney General; (5) is a judge of the Probate Court, Superior Court, Appellate Court or Supreme Court, is a state referee, is a family support magistrate or is a federal court judge; (6) is a member of the General Assembly, provided such disqualification shall apply only while the General Assembly is in session; (7) is a registrar of

Substitute House Bill No. 5393

voters or deputy registrar of voters of a municipality, provided such disqualification shall apply only during the period from twenty-one days before the date of a federal, state or municipal election, primary or referendum to twenty-one days after the date of such election, primary or referendum, inclusive; (8) is seventy-five years of age or older and chooses not to perform juror service; (9) is incapable, by reason of a physical or mental disability, of rendering satisfactory juror service; or (10) for the jury year commencing on September 1, 2017, and each jury year thereafter, has served in the United States District Court for the District of Connecticut as (A) a federal juror on a matter that has been tried to a jury during the last three preceding jury years, or (B) a federal grand juror during the last three preceding jury years. Any person claiming a disqualification under subdivision (9) of this subsection shall submit to the Jury Administrator a letter from a licensed health care provider stating the health care provider's opinion that such disability prevents the person from rendering satisfactory juror service. In reaching such opinion, the health care provider shall apply the following guideline: A person shall be capable of rendering satisfactory juror service if such person is able to perform a sedentary job requiring close attention for six hours per day, with short work breaks in the morning and afternoon sessions, for at least three consecutive business days. Any person claiming a disqualification under subdivision (10) of this subsection shall supply proof of federal jury service satisfactory to the Jury Administrator.

Sec. 20. Section 51-220 of the 2022 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

[The number of jurors to be chosen from each town shall be equal to a percentage of the town's population rounded off to the nearest whole number, such percentage to be determined by the Jury Administrator. Such population figures shall derive from the last published census of

Substitute House Bill No. 5393

the United States government.]

(a) Prior to January 1, 2024, the number of jurors to be chosen from each town shall be equal to a percentage of the town's population rounded off to the nearest whole number, such percentage to be determined by the Jury Administrator in accordance with the provisions of this section and section 51-220a. The number of jurors chosen from each town shall reflect the proportional representation of the population of each town within the judicial district. The Jury Administrator shall calculate such percentage by determining each town's proportional share of the population of the judicial district and dividing that proportional share by the town's yield ratio. A town's yield ratio shall be calculated by dividing the number of jurors from such town who, when summoned during the 2019 court year, complied with the summons to appear for jury service, by the product that results when the town's proportional share of the population of the judicial district is multiplied by the total number of jurors summoned in the judicial district in the 2019 court year. As used in this subsection and subsection (b) of this section, "court year" means a one-year period beginning on September first and ending on August thirty-first of the following year.

(b) On and after January 1, 2024, the number of jurors to be chosen from each town shall be equal to a percentage of the town's population rounded off to the nearest whole number, such percentage to be determined by the Jury Administrator in accordance with the provisions of this section and section 51-220a. The number of jurors chosen from each town shall reflect the proportional representation of the population of each town within the judicial district. The Jury Administrator shall calculate such percentage by determining each town's proportional share of the population of the judicial district and dividing that proportional share by the town's yield ratio. A town's yield ratio shall be calculated by dividing the number of jurors from such town who, when summoned during the previous court year, complied with the

Substitute House Bill No. 5393

summons to appear for jury service, by the product that results when the town's proportional share of the population of the judicial district is multiplied by the total number of jurors summoned in the judicial district in the previous court year.

(c) The Jury Administrator shall derive population figures from the most recent decennial census.

Sec. 21. Section 51-232 of the 2022 supplement to the general statutes, as amended by section 4 of public act 21-170, is repealed and the following is substituted in lieu thereof (*Effective July 1, 2022*):

(a) The Jury Administrator shall send to each juror drawn, by first class mail, a notice stating the place where and the time when he or she is to appear and such notice shall constitute a sufficient summons unless a judge of said court directs that jurors be summoned in some other manner.

(b) Such summons or notice shall also state the fact that a juror has a right to one postponement of the juror's term of juror service for not more than ten months and may contain any other information and instructions deemed appropriate by the Jury Administrator. If the date to which the juror has postponed jury service is improper, unavailable or inconvenient for the court, the Jury Administrator shall assign a date of service which, if possible, is reasonably close to the postponement date selected by the juror. Such notice or summons shall be made available to any party or to the attorney for such party in an action to be tried to a jury. The Jury Administrator may grant additional postponements within or beyond said ten months but not beyond one year from the original summons date.

(c) The Jury Administrator shall send to a prospective juror a juror confirmation form and a confidential juror questionnaire. Such questionnaire shall include questions eliciting the juror's name, age, race

Substitute House Bill No. 5393

and ethnicity, occupation, education and information usually raised in voir dire examination. The questionnaire shall inform the prospective juror that information concerning race and ethnicity is required solely to enforce nondiscrimination in jury selection, that the furnishing of such information is not a prerequisite to being qualified for jury service and that such information need not be furnished if the prospective juror finds it objectionable to do so. Such juror confirmation form and confidential juror questionnaire shall be signed by the prospective juror under penalty of false statement. Copies of the completed questionnaires shall be provided to the judge and counsel for use during voir dire or in preparation therefor. Counsel shall be required to return such copies to the clerk of the court upon completion of the voir dire. Except for disclosure made during voir dire or unless the court orders otherwise, information inserted by jurors shall be held in confidence by the court, the parties, counsel and their authorized agents. Such completed questionnaires shall not constitute a public record.

(d) The number of jurors in a panel may be reduced when, in the opinion of the court, such number of jurors is in excess of reasonable requirements. Such reduction by the clerk shall be accomplished by lot to the extent authorized by the court and the jurors released shall be subject to recall for jury duty only if and when required.

(e) In each judicial district, the Chief Court Administrator shall designate one or more courthouses to be the courthouse to which jurors originally shall be summoned. The court may assign any jurors of a jury pool to attend any courtroom within the judicial district.

[(f) On and after July 1, 2022, and until June 30, 2023, for each jury summons the Jury Administrator finds to be undeliverable, the Jury Administrator shall cause an additional randomly generated jury summons to be sent to a juror having a zip code that is the same as to which the undeliverable summons was sent.]

Substitute House Bill No. 5393

Sec. 22. Section 52-259b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2022*):

(a) In any civil or criminal matter, if the court finds that a party is indigent and unable to pay a fee or fees payable to the court or to pay the cost of service of process, the court shall waive such fee or fees and the cost of service of process shall be paid by the state.

(b) There shall be a rebuttable presumption that a person is indigent and unable to pay a fee or fees or the cost of service of process if (1) such person receives public assistance, or (2) such person's income after taxes, mandatory wage deductions and child care expenses is one hundred twenty-five per cent or less of the federal poverty level. For purposes of this subsection, "public assistance" includes, but is not limited to, state-administered general assistance, temporary family assistance, aid to the aged, blind and disabled, supplemental nutrition assistance and Supplemental Security Income.

(c) Nothing in this section shall preclude the court from (1) finding that a person whose income does not meet the criteria of subsection (b) of this section is indigent and unable to pay a fee or fees or the cost of service of process, or (2) denying an application for the waiver of the payment of a fee or fees or the cost of service of process when the court finds that (A) the applicant has repeatedly filed actions with respect to the same or similar matters, (B) such filings establish an extended pattern of frivolous filings that have been without merit, (C) the application sought is in connection with an action before the court that is consistent with the applicant's previous pattern of frivolous filings, and (D) the granting of such application would constitute a flagrant misuse of Judicial Branch resources. If an application for the waiver of the payment of a fee or fees or the cost of service of process is denied, the court clerk shall, upon the request of the applicant, schedule a hearing on the application. Nothing in this section shall affect the inherent authority of the court to manage its docket.

Substitute House Bill No. 5393

(d) Any person aggrieved by a decision, after hearing, denying an application for the waiver of the payment of a fee for the cost of commencing a civil action or habeas action in the Superior Court or the cost of service of process for commencing such an action in the Superior Court may file a petition to the Appellate Court for review of such order. There shall be no fee required for the filing of such a petition.

Sec. 23. Subdivision (2) of subsection (c) of section 52-367b of the 2022 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2022*):

(2) Notwithstanding the provisions of subdivision (1) of this subsection, the financial institution shall leave in the judgment debtor's account (A) the full amount of electronic direct deposits that are readily identifiable as exempt federal veterans' benefits, Social Security benefits, including, but not limited to, retirement, survivors' and disability benefits, supplemental security income benefits, exempt benefits paid by the federal Railroad Retirement Board or the federal Office of Personnel Management, unemployment compensation benefits exempt under section 52-352b, and child support payments processed and received pursuant to Title IV-D of the Social Security Act, and (B) the amount of electronic direct deposits, not to exceed one thousand dollars, that are readily identifiable as wages, provided such deposits were made to the judgment debtor's account during the look-back period of two months preceding the date that the execution was served on the financial institution, or, with regard to federal benefits, such greater period as required by federal law. If no such deposits have been made to the judgment debtor's account during the look-back period, or if such readily identifiable funds are less than one thousand dollars, the financial institution shall leave in the judgment debtor's account as exempt pursuant to [subsection (r)] subdivision (18) of section 52-352b the lesser of the account balance or one thousand dollars in the aggregate. To the extent that such funds are left in the judgment debtor's

Substitute House Bill No. 5393

account as exempt pursuant to [subsection (r)] subdivision (18) of section 52-352b, the provisions of said subsection shall not be the basis for a claim of exemption pursuant to this subsection in response to a levy of execution.

Sec. 24. Subsection (b) of section 53-206i of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2022*):

(b) If the court finds that a violation of this section is not of a serious nature and that the person charged with such violation (1) will probably not offend in the future, (2) has not previously been convicted of a violation of this section, and (3) has not previously had a prosecution under this section suspended pursuant to this subsection, the court may order suspension of prosecution. The court shall not order suspension of prosecution unless the accused person has acknowledged that he or she understands the consequences of the suspension of prosecution. Any person for whom prosecution is suspended shall agree to the tolling of any statute of limitations with respect to such violation and to a waiver of his or her right to a speedy trial. Such person shall appear in court and shall be released to the [custody] supervision of the Court Support Services Division for such period, not exceeding two years, and under such conditions as the court shall order. If the person refuses to accept, or, having accepted, violates such conditions, the court shall terminate the suspension of prosecution and the case shall be brought to trial. If such person satisfactorily completes such person's period of probation, he or she may apply for dismissal of the charges against such person and the court, on finding such satisfactory completion, shall dismiss such charges. If the person does not apply for dismissal of the charges against such person after satisfactorily completing such person's period of probation, the court, upon receipt of a report submitted by the Court Support Services Division that the person satisfactorily completed such person's period of probation, may on its

Substitute House Bill No. 5393

own motion make a finding of such satisfactory completion and dismiss such charges. Upon dismissal, all records of such charges shall be erased pursuant to section 54-142a, as amended by this act. An order of the court denying a motion to dismiss the charges against a person who has completed such person's period of probation or terminating the participation of a defendant in such program shall be a final judgment for purposes of appeal.

Sec. 25. Subsection (g) of section 53-206j of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2022*):

(g) If the court finds that a violation of this section is not of a serious nature and that the person charged with such violation (1) will probably not offend in the future, (2) has not previously been convicted of a violation of this section, and (3) has not previously had a prosecution under this section suspended pursuant to this subsection, the court may order suspension of prosecution. The court shall not order suspension of prosecution unless the accused person has acknowledged that he or she understands the consequences of the suspension of prosecution. Any person for whom prosecution is suspended shall agree to the tolling of any statute of limitations with respect to such violation and to a waiver of his or her right to a speedy trial. Such person shall appear in court and shall be released to the [custody] supervision of the Court Support Services Division for such period, not exceeding two years, and under such conditions as the court shall order. If the person refuses to accept, or, having accepted, violates such conditions, the court shall terminate the suspension of prosecution and the case shall be brought to trial. If such person satisfactorily completes such person's period of probation, he or she may apply for dismissal of the charges against such person and the court, on finding such satisfactory completion, shall dismiss such charges. If the person does not apply for dismissal of the charges against such person after satisfactorily completing such

Substitute House Bill No. 5393

person's period of probation, the court, upon receipt of a report submitted by the Court Support Services Division that the person satisfactorily completed such person's period of probation, may on its own motion make a finding of such satisfactory completion and dismiss such charges. Upon dismissal, all records of such charges shall be erased pursuant to section 54-142a, as amended by this act. An order of the court denying a motion to dismiss the charges against a person who has completed such person's period of probation or terminating the participation of a defendant in such program shall be a final judgment for purposes of appeal.

Sec. 26. Subsection (b) of section 53a-39c of the 2022 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2022*):

(b) Any person who enters such program shall pay to the court a participation fee of two hundred five dollars, except that no person may be excluded from such program for inability to pay such fee, provided [(1) such person files] such person: (1) Files with the court an affidavit of indigency or inability to pay, [such indigency is confirmed] assisted by the Court Support Services Division to the extent requested by such person, and the court enters a finding [thereof] of inability to pay, or (2) [the person] has been determined indigent and eligible for representation by a public defender who has been appointed on behalf of such person pursuant to section 51-296. The court shall not require a person to perform community service in lieu of payment of such fee, if such fee is waived. All program fees collected under this subsection shall be deposited into the alternative incarceration program account.

Sec. 27. Section 54-56e of the 2022 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2022*):

(a) There shall be a pretrial program for accelerated rehabilitation of

Substitute House Bill No. 5393

persons accused of a crime or crimes or a motor vehicle violation or violations for which a sentence to a term of imprisonment may be imposed, which crimes or violations are not of a serious nature. Upon application by any such person for participation in the program, the court shall, but only as to the public, order the court file sealed.

(b) The court may, in its discretion, invoke such program on motion of the defendant or on motion of a state's attorney or prosecuting attorney with respect to a defendant (1) who, the court believes, will probably not offend in the future, (2) who has no previous record of conviction of a crime or of a violation of section 14-196, subsection (c) of section 14-215, section 14-222a, subsection (a) or subdivision (1) of subsection (b) of section 14-224, section 14-227a or 14-227m or subdivision (1) or (2) of subsection (a) of section 14-227n, and (3) who states under oath, in open court or before any person designated by the clerk and duly authorized to administer oaths, under the penalties of perjury, (A) that the defendant has never had such program invoked on the defendant's behalf or that the defendant was charged with a misdemeanor or a motor vehicle violation for which a term of imprisonment of one year or less may be imposed and ten or more years have passed since the date that any charge or charges for which the program was invoked on the defendant's behalf were dismissed by the court, or (B) with respect to a defendant who is a veteran, that the defendant has not had such program invoked in the defendant's behalf more than once previously, provided the defendant shall agree thereto and provided notice has been given by the defendant, on a form prescribed by the Office of the Chief Court Administrator, to the victim or victims of such crime or motor vehicle violation, if any, by registered or certified mail and such victim or victims have an opportunity to be heard thereon. Any defendant who makes application for participation in such program shall pay to the court an application fee of thirty-five dollars, except as provided in subsection (g) of this section. No defendant shall be allowed to participate in the pretrial program for

Substitute House Bill No. 5393

accelerated rehabilitation more than two times. For the purposes of this section, "veteran" has the same meaning as provided in section 27-103.

(c) This section shall not be applicable: (1) To any person charged with (A) a class A felony, (B) a class B felony, except a violation of subdivision (1), (2) or (3) of subsection (a) of section 53a-122 that does not involve the use, attempted use or threatened use of physical force against another person, or a violation of subdivision (4) of subsection (a) of section 53a-122 that does not involve the use, attempted use or threatened use of physical force against another person and does not involve a violation by a person who is a public official, as defined in section 1-110, or a state or municipal employee, as defined in section 1-110, or (C) a violation of section 53a-70b of the general statutes, revision of 1958, revised to January 1, 2019, or section 14-227a or 14-227m, subdivision (1) or (2) of subsection (a) of section 14-227n, subdivision (2) of subsection (a) of section 53-21 or section 53a-56b, 53a-60d, 53a-70, 53a-70a, 53a-71, except as provided in subdivision (5) of this subsection, 53a-72a, 53a-72b, 53a-90a, 53a-196e or 53a-196f, (2) to any person charged with a crime or motor vehicle violation who, as a result of the commission of such crime or motor vehicle violation, causes the death of another person, (3) to any person accused of a family violence crime as defined in section 46b-38a who (A) is eligible for the pretrial family violence education program established under section 46b-38c, or (B) has previously had the pretrial family violence education program invoked in such person's behalf, (4) to any person charged with a violation of section 21a-267, 21a-279 or 21a-279a, who (A) is eligible for the pretrial drug education and community service program established under section 54-56i or the pretrial drug intervention and community service program established under section 54-56q, as amended by this act, or (B) has previously had (i) the pretrial drug education program, (ii) the pretrial drug education and community service program established under the provisions of section 54-56i, or (iii) the pretrial drug intervention and community service program established under

Substitute House Bill No. 5393

section 54-56q, as amended by this act, invoked on such person's behalf, (5) unless good cause is shown, to (A) any person charged with a class C felony, or (B) any person charged with committing a violation of subdivision (1) of subsection (a) of section 53a-71 while such person was less than four years older than the other person, (6) to any person charged with a violation of section 9-359 or 9-359a, (7) to any person charged with a motor vehicle violation (A) while operating a commercial motor vehicle, as defined in section 14-1, or (B) who holds a commercial driver's license or commercial driver's instruction permit at the time of the violation, (8) to any person charged with a violation of subdivision (6) of subsection (a) of section 53a-60, or (9) to a health care provider or vendor participating in the state's Medicaid program charged with a violation of section 53a-122 or subdivision (4) of subsection (a) of section 53a-123.

(d) Except as provided in subsection (g) of this section, any defendant who enters such program shall pay to the court a participation fee of one hundred dollars. Any defendant who enters such program shall agree to the tolling of any statute of limitations with respect to such crime and to a waiver of the right to a speedy trial. Any such defendant shall appear in court and shall, under such conditions as the court shall order, be released to the [custody] supervision of the Court Support Services Division, except that, if a criminal docket for drug-dependent persons has been established pursuant to section 51-181b in the judicial district, such defendant may be transferred, under such conditions as the court shall order, to the court handling such docket for supervision by such court. If the defendant refuses to accept, or, having accepted, violates such conditions, the defendant's case shall be brought to trial. The period of such probation or supervision, or both, shall not exceed two years. If the defendant has reached the age of sixteen years but has not reached the age of eighteen years, the court may order that as a condition of such probation the defendant be referred for services to a youth service bureau established pursuant to section 10-19m, provided

Substitute House Bill No. 5393

the court finds, through an assessment by a youth service bureau or its designee, that the defendant is in need of and likely to benefit from such services. When determining any conditions of probation to order for a person entering such program who was charged with a misdemeanor that did not involve the use, attempted use or threatened use of physical force against another person or a motor vehicle violation, the court shall consider ordering the person to perform community service in the community in which the offense or violation occurred. If the court determines that community service is appropriate, such community service may be implemented by a community court established in accordance with section 51-181c if the offense or violation occurred within the jurisdiction of a community court established by said section. If the defendant is charged with a violation of section 46a-58, 53-37a, 53a-181j, 53a-181k or 53a-181l, the court may order that as a condition of such probation the defendant participate in a hate crimes diversion program as provided in subsection (e) of this section. If a defendant is charged with a violation of section 53-247, the court may order that as a condition of such probation the defendant undergo psychiatric or psychological counseling or participate in an animal cruelty prevention and education program provided such a program exists and is available to the defendant.

(e) If the court orders the defendant to participate in a hate crimes diversion program as a condition of probation, the defendant shall pay to the court a participation fee of four hundred twenty-five dollars, except as provided in subsection (g) of this section. The Judicial Department shall contract with service providers, develop standards and oversee appropriate hate crimes diversion programs to meet the requirements of this section. Any defendant whose employment or residence makes it unreasonable to attend a hate crimes diversion program in this state may attend a program in another state which has standards substantially similar to, or higher than, those of this state, subject to the approval of the court and payment of the application and

Substitute House Bill No. 5393

program fees as provided in this section. The hate crimes diversion program shall consist of an educational program and supervised community service.

(f) If a defendant released to the [custody] supervision of the Court Support Services Division satisfactorily completes such defendant's period of probation, such defendant may apply for dismissal of the charges against such defendant and the court, on finding such satisfactory completion, shall dismiss such charges. If the defendant does not apply for dismissal of the charges against such defendant after satisfactorily completing such defendant's period of probation, the court, upon receipt of a report submitted by the Court Support Services Division that the defendant satisfactorily completed such defendant's period of probation, may on its own motion make a finding of such satisfactory completion and dismiss such charges. If a defendant transferred to the court handling the criminal docket for drug-dependent persons satisfactorily completes such defendant's period of supervision, the court shall release the defendant to the [custody] supervision of the Court Support Services Division under such conditions as the court shall order or shall dismiss such charges. Upon dismissal, all records of such charges shall be erased pursuant to section 54-142a, as amended by this act. An order of the court denying a motion to dismiss the charges against a defendant who has completed such defendant's period of probation or supervision or terminating the participation of a defendant in such program shall be a final judgment for purposes of appeal.

(g) The court shall waive any application or participation fee under this section for any person who (1) files with the court an affidavit of indigency or inability to pay, [has such indigency confirmed] assisted by the Court Support Services Division, to the extent requested by such person, and the court enters a finding [thereof] of inability to pay, or (2) has been determined indigent and eligible for representation by a public

Substitute House Bill No. 5393

defender who has been appointed on behalf of such person pursuant to section 51-296. The court shall not require a person to perform community service in lieu of payment of such fee, if such fee is waived.

Sec. 28. Subsection (a) of section 54-63b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) The duties of the Court Support Services Division shall include: (1) To promptly interview, prior to arraignment, any person referred by the police pursuant to section 54-63c or by a judge. Such interview shall include, but not be limited to, information concerning the accused person, his or her family, community ties, prior criminal record and physical and mental condition. Any interview [of a person held at a police station] may be conducted by [video conference] remote technology; (2) to seek independent verification of information obtained during the interview, if practicable; (3) to determine, as provided in section 54-63d, as amended by this act, or to make recommendations on request of any judge, concerning the terms and conditions of the release of arrested persons from custody pending final disposition of their cases; (4) to prepare a written report on all persons interviewed and, upon request and pursuant to the procedures established under subsection (f) of section 54-63d, as amended by this act, provide copies of the report to the court, defense counsel and state's attorney. Such report shall contain the information obtained during the interview and verification process, the person's prior criminal record, where possible, and the determination or recommendation of the commissioner pursuant to section 54-63d, as amended by this act, concerning the terms and conditions of the release of the persons so interviewed; (5) to give prior notice of each required court appearance to each person released following an interview by a bail commissioner or an intake, assessment and referral specialist employed by the Judicial Branch; (6) to supervise pursuant to the direction of the court those persons released on

Substitute House Bill No. 5393

nonfinancial conditions; (7) to inform the court and the state's attorney of any failure to comply with terms and conditions of release, including the arrest of persons released under its supervision; (8) to monitor, evaluate and provide information concerning terms and conditions of release and the release criteria established under subsection (b) of this section, to prepare periodic reports on its activities, and to provide such other information as is needed to assist in the improvement of the pretrial release process; and (9) to perform such other functions as the Chief Court Administrator may, from time to time, assign.

Sec. 29. Subsection (f) of section 54-63d of the 2022 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(f) The Court Support Services Division shall establish written procedures for the release of information contained in reports and files of the Court Support Services Division, such procedures to be approved by the [executive committee of the judges of the Superior Court] Chief Court Administrator, or the Chief Court Administrator's designee. Such procedures shall allow access to (1) nonidentifying information by qualified persons for purposes of research related to the administration of criminal justice; (2) all information provided to the Court Support Services Division by probation officers for the purposes of compiling presentence reports; and (3) all information provided to the Court Support Services Division concerning any person convicted of a crime and held in custody by the Department of Correction.

Sec. 30. Subsection (b) of section 54-76l of the 2022 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2022*):

(b) The records of any such youth, or any part thereof, may be disclosed to and between individuals and agencies, and employees of such agencies, providing services directly to the youth, including law

Substitute House Bill No. 5393

enforcement officials, state and federal prosecutorial officials, school officials in accordance with section 10-233h, court officials, the Division of Criminal Justice, the Court Support Services Division and a victim advocate under section 54-220 for a victim of a crime committed by the youth. Such records shall also be available to the attorney representing the youth, in any proceedings in which such records are relevant, to the parents or guardian of such youth, until such time as the youth reaches the age of majority or is emancipated, and to the youth upon his or her emancipation or attainment of the age of majority, provided proof of the identity of such youth is submitted in accordance with guidelines prescribed by the Chief Court Administrator. Such records shall also be available to members and employees of the Board of Pardons and Paroles and employees of the Department of Correction who, in the performance of their duties, require access to such records, provided the subject of the record has been adjudged a youthful offender and sentenced to a term of imprisonment or been convicted of a crime in the regular criminal docket of the Superior Court, and such records are relevant to the performance of a risk and needs assessment of such person while such person is incarcerated, the determination of such person's suitability for release from incarceration or for a pardon, or the determination of the supervision and treatment needs of such person while on parole or other supervised release. Such records shall also be available to law enforcement officials and prosecutorial officials conducting legitimate criminal investigations or seeking an order to detain pursuant to section 46b-133, as amended by this act. Such records shall also be available to members and employees of the Judicial Review Council who, in the performance of their duties, require access to such records. Records disclosed pursuant to this subsection shall not be further disclosed.

Sec. 31. Subsection (e) of section 54-102g of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

Substitute House Bill No. 5393

(e) Any person who has been convicted of a criminal offense against a victim who is a minor, a nonviolent sexual offense or a sexually violent offense, as those terms are defined in section 54-250, or a felony, and is serving a period of probation or parole, and who has not submitted to the taking of a blood or other biological sample pursuant to subsection (a), (b), (c) or (d) of this section, shall, prior to discharge from the [custody] supervision of the Court Support Services Division or the custody of the Department of Correction and at such time as said division or department may specify, submit to the taking of a blood or other biological sample of sufficient quality for DNA (deoxyribonucleic acid) analysis to determine identification characteristics specific to the person.

Sec. 32. Subsection (a) of section 54-108f of the 2022 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) The Court Support Services Division of the Judicial Branch may issue a certificate of rehabilitation to an eligible offender who is under the supervision of the division while on probation or other supervised release at the time of such person's application for such certificate, or may issue a new certificate of rehabilitation to enlarge the relief previously granted under such certificate of rehabilitation or revoke any such certificate of rehabilitation in accordance with the provisions of section 54-130e, as amended by this act, that are applicable to certificates of rehabilitation. If the division issues, enlarges the relief previously granted under a certificate of rehabilitation or revokes a certificate of rehabilitation under this section, the division shall immediately file written notice of such action with the Board of Pardons and Paroles. The division may develop policies and procedures to meet the provisions of this section and section 54-130e, as amended by this act. Nothing in section 54-130e, as amended by this act, shall require the division to continue monitoring the criminal activity of any person to whom the

Substitute House Bill No. 5393

division has issued a certificate of rehabilitation but who is no longer under the supervision of the division.

Sec. 33. Subsections (a) and (b) of section 54-130e of the 2022 supplement to the general statutes are repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) For the purposes of this section and sections 31-51i, 46a-80, 54-108f, as amended by this act, 54-130a and 54-301:

(1) "Barrier" means a denial of employment or a license based on an eligible offender's conviction of a crime without due consideration of whether the nature of the crime bears a direct relationship to such employment or license;

(2) "Direct relationship" means that the nature of criminal conduct for which a person was convicted has a direct bearing on the person's fitness or ability to perform one or more of the duties or responsibilities necessarily related to the applicable employment or license;

(3) "Certificate of rehabilitation" means a form of relief from barriers or forfeitures to employment or the issuance of licenses, other than a provisional pardon, that is granted to an eligible offender by (A) the Board of Pardons and Paroles pursuant to this section, or (B) the Court Support Services Division of the Judicial Branch pursuant to section 54-108f, as amended by this act;

(4) "Eligible offender" means a person who has been convicted of a crime or crimes in this state or another jurisdiction and who is a resident of this state and (A) is applying for a provisional pardon or is under the jurisdiction of the Board of Pardons and Paroles, or (B) with respect to a certificate of rehabilitation under section 54-108f, as amended by this act, is under the supervision of the Court Support Services Division of the Judicial Branch at the time of such person's application;

Substitute House Bill No. 5393

(5) "Employment" means any remunerative work, occupation or vocation or any form of vocational training, but does not include employment with a law enforcement agency;

(6) "Forfeiture" means a disqualification or ineligibility for employment or a license by reason of law based on an eligible offender's conviction of a crime;

(7) "License" means any license, permit, certificate or registration that is required to be issued by the state or any of its agencies to pursue, practice or engage in an occupation, trade, vocation, profession or business; and

(8) "Provisional pardon" means a form of relief from barriers or forfeitures to employment or the issuance of licenses granted to an eligible offender by the Board of Pardons and Paroles pursuant to subsections (b) to (i), inclusive, of this section.

(b) The Board of Pardons and Paroles may issue a provisional pardon or a certificate of rehabilitation to relieve an eligible offender of barriers or forfeitures by reason of such person's conviction of the crime or crimes specified in such provisional pardon or certificate of rehabilitation. Such provisional pardon or certificate of rehabilitation may be limited to one or more enumerated barriers or forfeitures or may relieve the eligible offender of all barriers and forfeitures. Such certificate of rehabilitation shall be labeled by the board as a "Certificate of Employability" or a "Certificate of Suitability for Licensure", or both, as deemed appropriate by the board. No provisional pardon or certificate of rehabilitation shall apply or be construed to apply to the right of such person to retain or be eligible for public office.

Sec. 34. Subsection (e) of section 54-142a of the 2022 supplement to the general statutes, as amended by section 3 of public act 21-32 and section 10 of public act 21-33, is repealed and the following is substituted

Substitute House Bill No. 5393

in lieu thereof (*Effective January 1, 2023*):

(e) (1) Except as provided in subdivision (2) and subdivision (3) of this subsection, whenever any person has been convicted in any court of this state of a classified or unclassified misdemeanor offense, or a class D or E felony or an unclassified felony offense carrying a term of imprisonment of not more than five years, any police or court record and record of the state's or prosecuting attorney or the prosecuting grand juror pertaining to such conviction, or any record pertaining to court obligations arising from such conviction held by the Board of Pardons and Paroles shall be erased as follows: (A) For any classified or unclassified misdemeanor offense, such records shall be erased seven years from the date on which the court entered the convicted person's most recent judgment of conviction (i) by operation of law, if such offense occurred on or after January 1, 2000, or (ii) upon the filing of a petition on a form prescribed by the Office of the Chief Court Administrator, if such offense occurred prior to January 1, 2000; and (B) for any class D or E felony or an unclassified felony offense carrying a term of imprisonment of not more than five years, such records shall be erased ten years from the date on which the court entered the convicted person's most recent judgment of conviction (i) by operation of law, if such offense occurred on or after January 1, 2000, or (ii) upon the filing of a petition on a form prescribed by the Office of the Chief Court Administrator, if such offense occurred prior to January 1, 2000.

(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;

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

Substitute House Bill No. 5393

(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; or

(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.]

(3) The provisions of subdivision (1) of this subsection shall not apply to any conviction for any offense until the defendant has completed serving the sentence imposed for any offense or offenses for which the defendant has been convicted.

[(3)] ~~(4)~~ If a person has been convicted of a violation of subsection (c) of section 21a-279 prior to October 1, 2015, such conviction shall not be considered as a most recent offense when evaluating whether a sufficient period of time has elapsed for an offense to qualify for erasure pursuant to this subsection.

[(4)] ~~(5)~~ Nothing in this subsection shall limit any other procedure for erasure of criminal history record information, as defined in section 54-142g, or prohibit a person from participating in any such procedure, even if such person's criminal history record information has been erased pursuant to this section.

[(5)] ~~(6)~~ Nothing in this subsection shall be construed to require the Department of Motor Vehicles to erase criminal history record

Substitute House Bill No. 5393

information on an operator's driving record. When applicable, the Department of Motor Vehicles shall make such criminal history record information available through the Commercial Driver's License Information System.

Sec. 35. Section 54-142c of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2023*):

(a) The clerk of the court or any person charged with retention and control of erased records by the Chief Court Administrator or any criminal justice agency having information contained in such erased records shall not disclose to anyone the existence of such erased records or information pertaining to any charge erased under any provision of this part, except as otherwise provided in this chapter.

(b) Notwithstanding any [other provisions] provision of this chapter, [within two years from the date of disposition of any case] not later than two years from the date on which the records of any case are erased, the clerk of the court or any person charged with retention and control of erased records by the Chief Court Administrator or any criminal justice agency having information contained in such erased records may disclose to the victim of a crime or the victim's legal representative the fact that the case was dismissed. If such disclosure contains information from erased records, the identity of the defendant or defendants shall not be released, except that any information contained in such records, including the identity of the person charged may be released to the victim of the crime or the victim's representative upon written application by such victim or representative to the court stating (1) that a civil action has been commenced for loss or damage resulting from such act, [or] (2) the intent to bring a civil action for such loss or damage, (3) that a civil action has been commenced pursuant to section 53a-28a for enforcement of an order of financial restitution, or (4) the intent to bring a civil action pursuant to section 53a-28a for an order of financial restitution. Any person who obtains criminal history record information

Substitute House Bill No. 5393

by falsely representing to be the victim of a crime or the victim's representative shall be guilty of a class D felony.

Sec. 36. Section 54-142d of the 2022 supplement to the general statutes, as amended by section 4 of public act 21-32, is repealed and the following is substituted in lieu thereof (*Effective January 1, 2023*):

Whenever any person has been convicted of an offense in any court in this state and such offense has been decriminalized subsequent to the date of such conviction, such person may file a petition with the superior court at the location in which such conviction was effected, or with the superior court at the location having custody of the records of such conviction if such conviction was in the Court of Common Pleas, Circuit Court, municipal court or by a trial justice, in the Superior Court where venue would currently exist for criminal prosecution, for an order of erasure, and the Superior Court shall immediately direct all police and court records and records of the state's or prosecuting attorney pertaining to such offense to be [physically destroyed] erased. The provisions of this section shall not apply to any police or court records, or the records of any state's attorney, with respect to any information containing more than one count, unless and until all counts in the information are entitled to erasure, except that electronic records or portions of electronic records released to the public that reference a charge that would otherwise be entitled to erasure under this section shall be erased in accordance with the provisions of this section.

Sec. 37. Section 54-142e of the 2022 supplement to the general statutes, as amended by section 6 of public act 21-32 and section 10 of public act 21-1 of the June special session, is repealed and the following is substituted in lieu thereof (*Effective January 1, 2023*):

(a) Notwithstanding the provisions of subsection (g) of section 54-142a, as amended by this act, and section 54-142c, as amended by this act, with respect to any person, including, but not limited to, a consumer

Substitute House Bill No. 5393

reporting agency as defined in subsection (i) of section 31-51i, or a background screening provider or similar data-based service or company, that purchases criminal matters of public record, as defined in said subsection (i), from the Judicial Department or any criminal justice agency pursuant to subsection (b) of section 54-142g, as amended by this act, the department or such criminal justice agency shall make available to such person information concerning such criminal matters of public record that have been erased pursuant to section 54-142a, as amended by this act. Such information may include docket numbers or other information that permits the person to identify and permanently delete records that have been erased pursuant to section 54-142a, as amended by this act.

(b) Each person, including, but not limited to, a consumer reporting agency or background screening provider or similar data-based service or company, that has purchased records of criminal matters of public record from the Judicial Department or any criminal justice agency shall, prior to disclosing such records, (1) purchase from the Judicial Department or such criminal justice agency, on a monthly basis or on such other schedule as the Judicial Department or such criminal justice agency may establish, any updated criminal matters of public record or information available for the purpose of complying with this section, and (2) update its records of criminal matters of public record to permanently delete such erased records not later than thirty calendar days after receipt of information on the erasure of criminal records pursuant to section 54-142a, as amended by this act. Such person shall not further disclose such erased records.

Sec. 38. Section 54-33p of the 2022 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) Except as provided in subsection (c) of this section, the existence of any of the following circumstances shall not constitute in part or in

Substitute House Bill No. 5393

whole probable cause or reasonable suspicion and shall not be used as a basis to support any stop or search of a person or motor vehicle:

(1) The odor of cannabis or burnt cannabis;

(2) The possession of or the suspicion of possession of cannabis without evidence that the quantity of cannabis is or suspected to be in excess of five ounces of cannabis plant material, as defined in section 21a-279a, or an equivalent amount of cannabis products or a combination of cannabis and cannabis products, as provided in subsection (i) of section 21a-279a; or

(3) The presence of cash or currency in proximity to cannabis without evidence that such cash or currency exceeds five hundred dollars.

(b) Any evidence discovered as a result of any stop or search conducted in violation of this section shall not be admissible in evidence in any trial, hearing or other proceeding in a court of this state.

(c) A law enforcement official may conduct a test for impairment based on the odor of cannabis or burnt cannabis if such official reasonably suspects the operator or a passenger of a motor vehicle of violating section 14-227, 14-227a, 14-227m or 14-227n.

(d) The provisions of this section shall not apply to a probation officer supervising a probationer who, as a condition of probation, is prohibited from using or possessing cannabis.

Sec. 39. Subdivision (4) of subsection (d) of section 54-56q of the 2022 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2022*):

(4) The division may allow any person placed in the program whose employment, residence or education makes it unreasonable to participate in any component of the program ordered by the court in

Substitute House Bill No. 5393

this state to participate in the applicable program components in another state if:

(A) The out-of-state component provider has standards substantially similar to, or higher than, those of this state;

(B) For any substance use treatment component, the out-of-state substance use treatment provider is licensed by the state in which treatment will be provided; and

(C) The person allowed to participate in any of the components of the program in another state pays the applicable program fee and participation costs [provided in this section] required by the applicable out-of-state component provider.

Sec. 40. Subsection (e) of section 54-56q of the 2022 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2022*):

(e) (1) At the time that the Court Support Services Division directs any person to attend any component of the program, such person shall (A) if directed to attend the drug education component, pay to the court a nonrefundable program fee of four hundred dollars, or (B) if directed to attend the substance use treatment component, pay to the court a nonrefundable program fee of one hundred dollars and pay to the treatment provider any costs associated with such treatment unless the division allows such person to participate in the applicable program component in another state pursuant to subdivision (4) of subsection (d) of this section, in which case such person shall pay the program fee and participation costs required by the out-of-state program component provider. All program fees shall be credited to the pretrial account established under section 54-56k.

(2) (A) No person may be excluded from any component of the program because such person is indigent and unable to pay the

Substitute House Bill No. 5393

associated fee or costs, provided (i) such person files with the court an affidavit of indigency and the court enters a finding of such indigency, or (ii) such person has been determined indigent and eligible for representation by a public defender who has been appointed on behalf of such person pursuant to section 51-296. The court shall not require a person to perform community service in lieu of payment of any fee or cost, if such fee or cost is waived.

(B) If the court finds that a person is indigent and unable to pay for the program application or the evaluation fee for the program, the court may waive all or any portion of these fees.

(C) If the court finds that a person is indigent and unable to pay for the drug education component of the program, the court may waive all or any portion of the program fee for that component, provided that such person participates in such drug education services offered by a provider located in this state.

(D) If the court finds that a person is indigent and unable to pay for the substance use treatment component of the program, the court may waive all or any portion of the program fee for that component and the costs of such treatment, provided that such person participates in such treatment at a substance use treatment provider licensed by and located in this state. Any costs waived under this subparagraph shall be paid by the Department of Mental Health and Addiction Services.

(E) Notwithstanding any provision of this section, [in no event shall] the court shall not waive any fee or cost required by any out-of-state program component provider, and the Department of Mental Health and Addiction Services shall not pay any costs associated with education or substance use treatment provided outside of this state.

Sec. 41. Subdivision (3) of subsection (e) of section 54-56r of the 2022 supplement to the general statutes is repealed and the following is

Substitute House Bill No. 5393

substituted in lieu thereof (*Effective October 1, 2022*):

(3) The division may allow any person placed in the program whose employment, residence, or education makes it unreasonable to participate in any component of the program ordered by the court in this state to participate in the applicable program components in another state if:

(A) The out-of-state component provider has standards substantially similar to, or higher than, those of this state;

(B) For any substance use treatment component, the out-of-state substance use treatment provider is licensed by the state in which treatment will be provided; and

(C) The person allowed to participate in any components of the program in another state pays the applicable program fee and participation costs [provided in this section] required by the applicable out-of-state program component provider.

Sec. 42. Subsection (f) of section 54-56r of the 2022 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2022*):

(f) (1) At the time that the Court Support Services Division directs any person to attend any component of the program, such person shall (A) if directed to attend the alcohol education component, pay to the court a nonrefundable program fee of four hundred dollars, or (B) if directed to attend the substance use treatment component, pay to the court a nonrefundable program fee of one hundred dollars and pay to the treatment provider any costs associated with such treatment, unless the division allows such person to participate in the applicable program component in another state pursuant to subdivision (3) of subsection (e) of this section, in which case such person shall pay the program fee and participation costs required by the out-of-state program component

Substitute House Bill No. 5393

provider. All program fees shall be credited to the pretrial account established under section 54-56k.

(2) Any person directed to attend the victim impact component shall, at the time such person attends the victim impact panel, pay the organization conducting the victim impact panel the participation fee required by such organization.

(3) (A) No person may be excluded from any component of the program because such person is indigent and unable to pay the associated fee or costs, provided (i) such person files with the court an affidavit of indigency and the court enters a finding of such indigency, or (ii) such person has been determined indigent and eligible for representation by a public defender who has been appointed on behalf of such person pursuant to section 51-296. The court shall not require a person to perform community service in lieu of payment of any fee or cost, if such fee or cost is waived.

(B) If the court finds that a person is indigent and unable to pay for the program application or evaluation fee for the program, the court may waive all or any portion of these fees.

(C) If the court finds that a person is indigent and unable to pay for the alcohol education component of the program, the court may waive all or any portion of the program fee for that component, provided that such person participates in alcohol education services offered by a provider located in this state.

(D) If the court finds that a person is indigent and unable to pay for the substance use treatment component of the program, the court may waive all or any portion of the program fee for that component and the costs of such treatment, provided that such person participates in such treatment at a substance use treatment provider licensed by and located in this state. Any costs waived under this subparagraph shall be paid by

Substitute House Bill No. 5393

the Department of Mental Health and Addiction Services.

(E) Notwithstanding any provision of this section, [in no event shall] the court shall not waive any fee or cost required by any out-of-state program component provider, and the Department of Mental Health and Addiction Services shall not pay any fees or costs associated with education or substance use treatment provided outside of this state.

Sec. 43. Section 52-99 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2022*):

Any allegation or denial made without reasonable cause and found untrue shall subject the party pleading the same to the payment of such reasonable expenses, to be taxed by the court, as may have been necessarily incurred by the other party by reason of such untrue pleading; provided no expenses for counsel fees shall be taxed exceeding [ten] five hundred dollars for any one offense.

Sec. 44. (NEW) (*Effective July 1, 2023, and applicable to any request for discovery in an action pending on or filed on or after said date*) Sections 44 to 49, inclusive, of this act, may be cited as the "Connecticut Interstate Depositions and Discovery Act".

Sec. 45. (NEW) (*Effective July 1, 2023, and applicable to any request for discovery in an action pending on or filed on or after said date*) As used in this section and sections 46 to 49, inclusive, of this act:

(1) "Foreign jurisdiction" means a state other than the state of Connecticut;

(2) "Foreign subpoena" means a subpoena in a civil or probate action issued under authority of a court of record of a foreign jurisdiction;

(3) "Person" means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture,

Substitute House Bill No. 5393

public corporation, government or governmental subdivision, agency or instrumentality or any other legal or commercial entity;

(4) "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands or any territory or insular possession subject to the jurisdiction of the United States; and

(5) "Subpoena" means a document, however denominated, issued under authority of a court of record requiring a person to: (A) Attend and give testimony at a deposition; (B) produce and permit inspection and copying of designated books, documents, records, electronically stored information or tangible things in the possession, custody or control of the person; or (C) permit inspection of premises under the control of the person.

Sec. 46. (NEW) (*Effective July 1, 2023, and applicable to any request for discovery in an action pending on or filed on or after said date*) (a) (1) To request issuance of a subpoena under this section, a party shall submit to a clerk of the Superior Court in the judicial district in which discovery is sought to be conducted in this state, or a clerk of the Probate Court in the probate district in which discovery is sought to be conducted in this state, as the case may be, the following: (A) The original or a true copy of a foreign subpoena, (B) the form prescribed under subdivision (2) of this subsection, and (C) with respect to any action in the Superior Court, the fee prescribed for issuance of a foreign subpoena pursuant to section 52-259 of the general statutes, as amended by this act, or, with respect to any action in the Probate Court, the fee prescribed in section 45a-106a of the general statutes, as amended by this act. A request for the issuance of a subpoena under any provision of this section, or sections 47 to 49, inclusive, of this act, does not constitute an appearance in any court of this state.

(2) The Office of the Chief Court Administrator, with respect to any action in the Superior Court, and the Office of the Probate Court

Substitute House Bill No. 5393

Administrator, with respect to any action in the Probate Court, shall prescribe the form which is required to be submitted pursuant to subdivision (1) of this subsection.

(b) When a party submits a foreign subpoena to a clerk of the Superior Court or a clerk of the Probate Court that complies with the requirements of subdivision (1) of subsection (a) of this section, such clerk shall, in accordance with the respective court's procedure, promptly issue a subpoena for service upon the person to which the foreign subpoena is directed.

(c) A subpoena issued under subsection (b) of this section shall:

(1) Incorporate the terms used in the foreign subpoena;

(2) Contain or be accompanied by an affidavit of the party stating the names, addresses and telephone numbers of all counsel of record in the proceeding to which the subpoena relates and of any party not represented by counsel; and

(3) Include the case caption and docket number of the matter pending in the foreign jurisdiction and shall identify the name and address of the Superior Court, or the Probate Court, as the case may be, issuing the subpoena.

(d) A subpoena issued by a clerk of the Superior Court shall be on a form prescribed by the Office of the Chief Court Administrator. A subpoena issued by a clerk of the Probate Court shall be on a form prescribed by the Office of the Probate Court Administrator.

Sec. 47. (NEW) (*Effective July 1, 2023, and applicable to any request for discovery in an action pending on or filed on or after said date*) (a) Any subpoena issued under section 46 of this act by a clerk of a court in this state shall be served in accordance with section 52-148e of the general statutes.

Substitute House Bill No. 5393

(b) The provisions of sections 52-148a to 52-152, inclusive, of the general statutes and sections 52-156 to 52-157, inclusive, of the general statutes shall apply to a subpoena issued under section 46 of this act.

Sec. 48. (NEW) (*Effective July 1, 2023, and applicable to any request for discovery in an action pending on or filed on or after said date*) An application to the court for a protective order related to a matter under sections 44 to 47, inclusive, of this act, or to enforce, quash or modify a subpoena issued by a clerk of a court under section 46 of this act, shall comply with the rules of court of this state and the general statutes and shall be submitted to the Superior Court in the judicial district or the Probate Court in the probate district, as the case may be, in which discovery is sought.

Sec. 49. (NEW) (*Effective July 1, 2023, and applicable to any request for discovery in an action pending on or filed on or after said date*) In applying and construing the provisions of sections 44 to 49, inclusive, of this act, consideration shall be given to the need to promote uniformity of the law with respect to its subject matter among the states that enact such uniform provisions.

Sec. 50. Section 52-148c of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2023*):

(a) Within this state, depositions shall be taken before a judge or clerk of any court, justice of the peace, notary public or commissioner of the Superior Court.

(b) In any other state or country, except a state, as defined in section 45 of this act, that has enacted laws substantially similar to sections 44 to 49, inclusive, of this act, depositions for use in a civil action or probate proceeding within this state shall be taken before a notary public, a commissioner appointed by the Governor of this state, any magistrate having power to administer oaths or a person commissioned by the

Substitute House Bill No. 5393

court before which such action or proceeding is pending, or when such court is not in session, by any judge thereof. Any person so commissioned shall have the power by virtue of his commission to administer any necessary oath and to take testimony. Additionally, if a deposition is to be taken out of the United States, it may be taken before any foreign minister, secretary of a legation, consul or vice-consul, appointed by the United States or any person by him appointed for the purpose and having authority under the laws of the country where the deposition is to be taken; and the official character of any such person may be proved by a certificate from the Secretary of State of the United States.

Sec. 51. Section 52-259 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2023*):

(a) There shall be paid to the clerks for entering each appeal or writ of error to the Supreme Court, or entering each appeal to the Appellate Court, as the case may be, two hundred fifty dollars, and for each civil cause in the Superior Court, three hundred sixty dollars, except (1) two hundred thirty dollars for entering each case in the Superior Court in which the sole claim for relief is damages and the amount, legal interest or property in demand is less than two thousand five hundred dollars; (2) one hundred seventy-five dollars for summary process and landlord and tenant actions; (3) there shall be no entry fee for making an application to the Superior Court for relief under section 46b-15, as amended by this act, or 46b-16a, or for making an application to modify or extend an order issued pursuant to section 46b-15, as amended by this act, or 46b-16a; [and] (4) there shall be no entry fee for a civil action brought under section 53a-28a; and (5) there shall be no entry fee for a petition brought under subsection (f) of section 42a-9-518 and section 47-31a. If the amount, legal interest or property in demand by the plaintiff is alleged to be less than two thousand five hundred dollars, a new entry fee of seventy-five dollars shall be charged if the plaintiff

Substitute House Bill No. 5393

amends his or her complaint to state that such demand is not less than two thousand five hundred dollars.

(b) The fee for the entry of a small claims case and for filing a counterclaim in a small claims case shall be ninety-five dollars. If a motion is filed to transfer a small claims case to the regular docket, the moving party shall pay a fee of one hundred twenty-five dollars.

(c) There shall be paid to the clerk of the Superior Court by any party who requests that a matter be designated as a complex litigation case the sum of three hundred thirty-five dollars, to be paid at the time the request is filed.

(d) There shall be paid to the clerk of the Superior Court by any party who requests a finding of fact by a judge of such court to be used on appeal the sum of twenty-five dollars, to be paid at the time the request is filed.

(e) There shall be paid to the clerk of the Superior Court a fee of seventy-five dollars for a petition for certification to the Supreme Court and Appellate Court.

(f) There shall be paid to the clerk of the Superior Court for the appointment of a commissioner of the Superior Court, two dollars; for recording the commission and oath of a notary public or certifying under seal to the official character of any magistrate, ten dollars; for issuing a certificate that an attorney is in good standing, ten dollars; for certifying under seal, two dollars; for exemplifying, twenty dollars; for making all necessary records and certificates of naturalization, the fees allowed under the provisions of the United States statutes for such services; and for making copies, one dollar per page. Any fee set forth in this subsection shall be payable in accordance with subsection [(m)] (n) of this section.

(g) There shall be paid to the clerk of the Superior Court for a copy of

Substitute House Bill No. 5393

a judgment file a fee of twenty-five dollars, inclusive of the fees for certification and copying, for a certified copy and a fee of fifteen dollars, inclusive of the fee for copying, for a copy which is not certified; and for a copy of a certificate of judgment in a foreclosure action, as provided by the rules of practice and procedure, twenty-five dollars, inclusive of the fees for certification and copying. Any fee set forth in this subsection shall be payable in accordance with subsection [(m)] (n) of this section.

(h) There shall be paid to the clerk of the Superior Court a fee of one hundred eighty dollars at the time any application for a prejudgment remedy is filed.

(i) There shall be paid to the clerk of the Superior Court a fee of six hundred twenty dollars at the time any motion to be admitted as attorney pro hac vice is filed.

(j) There shall be paid to the clerk of the Superior Court a fee of two hundred five dollars at the time any counterclaim, cross complaint, apportionment complaint or third party complaint is filed.

(k) There shall be paid to the clerk of the Superior Court a fee of three hundred fifty dollars at the time any application for a dissolution of lien upon the substitution of a bond with surety is filed pursuant to subsection (a) of section 49-37, subsection (b) of section 49-55a, subsection (a) of section 49-61, subsection (a) of section 49-92b or subsection (b) of section 49-92h.

(l) There shall be paid to the clerk of the Superior Court a fee of one hundred dollars at the time of the request for the issuance of a foreign subpoena pursuant to section 46 of this act.

[(l)] (m) A fee of twenty dollars for any check issued to the court in payment of any fee which is returned as uncollectible by the bank on which it is drawn may be imposed.

Substitute House Bill No. 5393

[(m)] (n) Any recording or copying performed under subsection (f) or (g) of this section may be done by photograph, microfilm, as defined in section 51-36, computerized image or other process which accurately reproduces or forms a durable medium for so reproducing the original. The fees required under subsections (f) and (g) of this section for recording and copying shall be payable regardless of the method by which the recording and copying is done.

[(n)] (o) The tax imposed under chapter 219 shall not be imposed upon any fee charged under the provisions of this section.

Sec. 52. Section 45a-106a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2023*):

(a) The fees set forth in this section apply to each filing made in a Probate Court in any matter other than a decedent's estate.

(b) The fee to file each of the following motions, petitions or applications in a Probate Court is two hundred fifty dollars:

(1) With respect to a minor child: (A) Appoint a temporary guardian, temporary custodian, guardian, coguardian, permanent guardian or statutory parent, (B) remove a guardian, including the appointment of another guardian, (C) reinstate a parent as guardian, (D) terminate parental rights, including the appointment of a guardian or statutory parent, (E) grant visitation, (F) make findings regarding special immigrant juvenile status, (G) approve placement of a child for adoption outside this state, (H) approve an adoption, (I) validate a foreign adoption, (J) review, modify or enforce a cooperative postadoption agreement, (K) review an order concerning contact between an adopted child and his or her siblings, (L) resolve a dispute concerning a standby guardian, (M) approve a plan for voluntary services provided by the Department of Children and Families, (N) determine whether the termination of voluntary services provided by

Substitute House Bill No. 5393

the Department of Children and Families is in accordance with applicable regulations, (O) conduct an in-court review to modify an order, (P) grant emancipation, (Q) grant approval to marry, (R) transfer funds to a custodian under sections 45a-557 to 45a-560b, inclusive, (S) appoint a successor custodian under section 45a-559c, (T) resolve a dispute concerning custodianship under sections 45a-557 to 45a-560b, inclusive, and (U) grant authority to purchase real estate;

(2) Determine parentage;

(3) Validate a genetic surrogacy agreement;

(4) Determine the age and date of birth of an adopted person born outside the United States;

(5) With respect to adoption records: (A) Appoint a guardian ad litem for a biological relative who cannot be located or appears to be incompetent, (B) appeal the refusal of an agency to release information, (C) release medical information when required for treatment, and (D) grant access to an original birth certificate;

(6) Approve an adult adoption;

(7) With respect to a conservatorship: (A) Appoint a temporary conservator, conservator or special limited conservator, (B) change residence, terminate a tenancy or lease, sell or dispose household furnishings, or place in a long-term care facility, (C) determine competency to vote, (D) approve a support allowance for a spouse, (E) grant authority to elect the spousal share, (F) grant authority to purchase real estate, (G) give instructions regarding administration of a joint asset or liability, (H) distribute gifts, (I) grant authority to consent to involuntary medication, (J) determine whether informed consent has been given for voluntary admission to a hospital for psychiatric disabilities, (K) determine life-sustaining medical treatment, (L) transfer to or from another state, (M) modify the conservatorship in connection

Substitute House Bill No. 5393

with a periodic review, (N) excuse accounts under rules of procedure approved by the Supreme Court under section 45a-78, (O) terminate the conservatorship, and (P) grant a writ of habeas corpus;

(8) With respect to a power of attorney: (A) Compel an account by an agent, (B) review the conduct of an agent, (C) construe the power of attorney, and (D) mandate acceptance of the power of attorney;

(9) Resolve a dispute concerning advance directives or life-sustaining medical treatment when the individual does not have a conservator or guardian;

(10) With respect to an elderly person, as defined in section 17b-450: (A) Enjoin an individual from interfering with the provision of protective services to such elderly person, and (B) authorize the Commissioner of Social Services to enter the premises of such elderly person to determine whether such elderly person needs protective services;

(11) With respect to an adult with intellectual disability: (A) Appoint a temporary limited guardian, guardian or standby guardian, (B) grant visitation, (C) determine competency to vote, (D) modify the guardianship in connection with a periodic review, (E) determine life-sustaining medical treatment, (F) approve an involuntary placement, (G) review an involuntary placement, (H) authorize a guardian to manage the finances of such adult, and (I) grant a writ of habeas corpus;

(12) With respect to psychiatric disability: (A) Commit an individual for treatment, (B) issue a warrant for examination of an individual at a general hospital, (C) determine whether there is probable cause to continue an involuntary confinement, (D) review an involuntary confinement for possible release, (E) authorize shock therapy, (F) authorize medication for treatment of psychiatric disability, (G) review the status of an individual under the age of sixteen as a voluntary

Substitute House Bill No. 5393

patient, and (H) recommit an individual under the age of sixteen for further treatment;

(13) With respect to drug or alcohol dependency: (A) Commit an individual for treatment, (B) recommit an individual for further treatment, and (C) terminate an involuntary confinement;

(14) With respect to tuberculosis: (A) Commit an individual for treatment, (B) issue a warrant to enforce an examination order, and (C) terminate an involuntary confinement;

(15) Compel an account by the trustee of an inter vivos trust, custodian under sections 45a-557 to 45a-560b, inclusive, or treasurer of an ecclesiastical society or cemetery association;

(16) With respect to a testamentary or inter vivos trust: (A) Construe, validate, divide, combine, reform, modify or terminate the trust, (B) enforce the provisions of a pet trust, (C) excuse a final account under rules of procedure approved by the Supreme Court under section 45a-78, and (D) assume jurisdiction of an out-of-state trust;

(17) Authorize a fiduciary to establish a trust;

(18) Appoint a trustee for a missing person;

(19) Change a person's name;

(20) Issue an order to amend the birth certificate of an individual born in another state to reflect a gender change;

(21) Require the Department of Public Health to issue a delayed birth certificate;

(22) Compel the board of a cemetery association to disclose the minutes of the annual meeting;

Substitute House Bill No. 5393

(23) Issue an order to protect a grave marker;

(24) Restore rights to purchase, possess and transport firearms;

(25) Issue an order permitting sterilization of an individual;

(26) Approve the transfer of structured settlement payment rights;
and

(27) With respect to any case in a Probate Court other than a decedent's estate: (A) Compel or approve an action by the fiduciary, (B) give instruction to the fiduciary, (C) authorize a fiduciary to compromise a claim, (D) list, sell or mortgage real property, (E) determine title to property, (F) resolve a dispute between cofiduciaries or among fiduciaries, (G) remove a fiduciary, (H) appoint a successor fiduciary or fill a vacancy in the office of fiduciary, (I) approve fiduciary or attorney's fees, (J) apply the doctrine of cy pres or approximation, (K) reconsider, modify or revoke an order, and (L) decide an action on a probate bond.

(c) The fee to file a petition for custody of the remains of a deceased person in a Probate Court is one hundred fifty dollars, except that the court shall waive the fee if the state is obligated to pay funeral and burial expenses under section 17b-84 or 17b-131.

(d) The fee for a fiduciary to request the release of funds from a restricted account in a Probate Court is one hundred fifty dollars, except that the court shall waive the fee if the court approves the request without notice and hearing in accordance with the rules of procedure adopted by the Supreme Court under section 45a-78.

(e) The fee to register a conservator of the person or conservator of the estate order from another state under section 45a-667r or 45a-667s, or to register both types of orders for the same person at the same time, is one hundred fifty dollars.

Substitute House Bill No. 5393

(f) The fee for mediation conducted by a member of the panel established by the Probate Court Administrator is three hundred fifty dollars per day or part thereof.

(g) The fee to request a continuance in a Probate Court is fifty dollars, plus the actual expenses of rescheduling the hearing that are payable under section 45a-109, except that the court, for cause shown, may waive either the fifty-dollar fee or the actual expenses of rescheduling the hearing, or both. The fee shall be payable by the party who requests the continuance of a scheduled hearing or whose failure to appear necessitates the continuance.

(h) The fee to file a motion to permit an attorney who has not been admitted as an attorney under the provisions of section 51-80 to appear pro hac vice in a matter in the Probate Court is two hundred fifty dollars.

(i) The fee to file an affidavit concerning the possessions and personal effects of a deceased occupant under section 47a-11d is one hundred fifty dollars.

(j) The fee for the issuance of a foreign subpoena pursuant to section 46 of this act is one hundred dollars.

[(j)] (k) Except as provided in subsection (d) of section 45a-111, fees imposed under this section shall be paid at the time of filing.

[(k)] (l) If a statute or rule of procedure approved by the Supreme Court under section 45a-78 specifies filings that may be combined into a single motion, petition or application, the fee under this section for the combined filing is the amount equal to the largest of the individual filing fees applicable to the underlying motions, petitions or applications.

[(l)] (m) No fee shall be charged under this section if exempted or waived under section 45a-111 or any other provision of the general statutes.

Substitute House Bill No. 5393

Sec. 53. Section 52-261 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2022*):

(a) Except as provided in subsection (b) of this section and section 52-261a, as amended by this act, each officer or person who serves process, summons or attachments on behalf of: (1) An official of the state or any of its agencies, boards or commissions, or any municipal official acting in his or her official capacity, shall receive a fee of not more than [thirty] fifty dollars for each process served and an additional fee of [thirty] fifty dollars for the second and each subsequent service of such process, except that such officer or person shall receive an additional fee of [ten] twenty dollars for each subsequent service of such process at the same address or for notification of the office of the Attorney General in dissolution and postjudgment proceedings if a party or child is receiving public assistance; and (2) any person, except a person described in subdivision (1) of this subsection, shall receive a fee of not more than [forty] fifty dollars for each process served and an additional fee of [forty] fifty dollars for the second and each subsequent service of such process, except that such officer or person shall receive an additional fee of twenty dollars for each subsequent service of such process at the same address or for notification of the office of the Attorney General in dissolution and postjudgment proceedings if a party or child is receiving public assistance. Each such officer or person shall also receive the fee set by the Department of Administrative Services for state employees for each mile of travel, to be computed from the place where such officer or person received the process to the place of service, and thence in the case of civil process to the place of return. If more than one process is served on one person at one time by any such officer or person, the total cost of travel for the service shall be the same as for the service of one process only, except, if an officer or person is requested by the court or required by law to effectuate in-hand personal service, or for service pursuant to subsection (h) of section 46b-15, as amended by this act, such officer or person shall receive the fee set by

Substitute House Bill No. 5393

the Department of Administrative Services for state employees for each mile of travel of each round trip traveled while attempting to effectuate in-hand personal service, to be computed from the place where the process was received to the place of attempted service, and if multiple trips to effectuate service are made, back to the place where process was received and then to the place of the subsequent attempt at service, and thence in the case of civil process to the place of return provided the officer or person shall state in the return of service that in-hand personal service was requested or required, or that in-hand service was made pursuant to subsection (h) of section 46b-15, as amended by this act, and that multiple trips were necessary to effectuate in-hand personal service. The officer or person requesting the receipt of such round trip travel shall make out a bill reciting the dates, times and results of each trip the officer or person traveled while attempting to effectuate in-hand personal service. The officer or person requesting the receipt of such fees for attempted round trip travel may only receive such fees from the Judicial Department when ordered by the court or by law to effectuate in-hand personal service and only when such in-hand personal service is effectuated, when in-hand personal service of process is made pursuant to subsection (h) of section 46b-15, as amended by this act, or subsection (d) of section 46b-16a, as amended by this act. Such payment from the Judicial Department of attempted round trip travel for in-hand service of process may be limited to three round trips, provided nothing in this section shall limit payment of a greater amount from the Judicial Department to an officer or person serving process. For service made pursuant to subsection (h) of section 46b-15, as amended by this act, and subsection (d) of section 46b-16a, as amended by this act, which was not effectuated in-hand, regardless of any attempts to effectuate service in-hand, the mileage fee shall be from the place where the process was received to the place of service, and thence in the case of civil process to the place of return. Where the court allows an applicant additional time to make service under subsection (c) of section 46b-15, for purposes of calculating the mileage fee for multiple trips, such extra time will be

Substitute House Bill No. 5393

considered a continuation of the original attempts at service. Each officer or person who serves process shall also receive the moneys actually paid for town clerk's fees on the service of process. Each officer or person who serves process shall also receive the moneys actually paid for fees for the disclosure or search of records of the Department of Motor Vehicles in connection with the service of process. Any officer or person required to summon jurors by personal service of a warrant to attend court shall receive for the first ten miles of travel while so engaged, such mileage to be computed from the place where such officer or person receives the process to the place of service, twenty-five cents for each mile, and for each additional mile, ten cents. For summoning any juror to attend court otherwise than by personal service of the warrant, such officer or person shall receive only the sum of fifty cents and actual disbursements necessarily expended by such officer or person in making service thereof as directed. Notwithstanding the provisions of this section, for summoning grand jurors, such officer or person shall receive only such officer's or person's actual expenses and such reasonable sum for services as are taxed by the court. The following fees shall be allowed and paid: (A) For taking bail or bail bond, one dollar; (B) for copies of writs and complaints, exclusive of endorsements, one dollar per page, not to exceed a total amount of nine hundred dollars in any particular matter; (C) for endorsements, [forty] fifty cents per page or fraction thereof; (D) for service of a warrant for the seizure of intoxicating liquors, or for posting and leaving notices after the seizure, or for the destruction or delivery of any such liquors under order of court, twenty dollars; (E) for the removal and custody of such liquors so seized, reasonable expenses, and twenty dollars; (F) for the levy of an execution, when the money is actually collected and paid over, or the debt or a portion of the debt is secured by the officer, fifteen per cent on the amount of the execution, provided the minimum fee for such execution shall be [thirty] fifty dollars; (G) on the levy of an execution on real property and on application for sale of personal property attached, to each appraiser, for each half day of actual service,

Substitute House Bill No. 5393

reasonable and customary expenses; (H) for causing an execution levied on real property to be recorded, fees for travel, twenty dollars and costs; (I) for services on an application for the sale of personal property attached, or in selling mortgaged property foreclosed under a decree of court, the same fees as for similar services on executions; (J) for committing any person to a community correctional center, in civil actions, [twenty-one cents a mile for travel] the fee set by the Department of Administrative Services for state employees for each mile of travel, from the place of the court to the community correctional center; [, in lieu of all other expenses;] (K) for summoning and attending a jury for reassessing damages or benefits on a highway, three dollars a day; (L) for any recording for which the recording fee is not otherwise prescribed by law, [a reasonable fee] fifty dollars, costs and the fee set by the Department of Administrative Services for state employees for each mile of travel; and (M) for postage or international mailing costs incurred pursuant to a court order, actual expenses. The court shall tax as costs a reasonable amount for the care of property held by any officer under attachment or execution. The officer serving any attachment or execution may claim compensation for time and expenses of any person, in keeping, securing or removing property taken thereon, provided such officer shall make out a bill. The bill shall specify the labor done, and by whom, the time spent, the travel, the money paid, if any, and to whom and for what. The compensation for the services shall be reasonable and customary and the amount of expenses and shall be taxed by the court with the costs.

(b) Each officer or person shall receive the following fees: (1) For service and scheduling of an execution on a summary process judgment, [not more than fifty dollars] or a foreclosure ejectment, not more than one hundred dollars and the fee set by the Department of Administrative Services for state employees for each mile of travel; [and] (2) for removal under section 47a-42, as amended by this act, of a defendant or other occupant bound by a summary process judgment,

Substitute House Bill No. 5393

and the possessions and personal effects of such defendant or other occupant, not more than one hundred dollars per hour and the fee set by the Department of Administrative Services for state employees for each mile of travel; (3) for removal and taking of an inventory of possessions and personal effects of a defendant or other occupant bound by a summary process judgment under section 47a-42a, not more than one hundred dollars per hour and the fee set by the Department of Administrative Services for state employees for each mile of travel; (4) for removal under section 49-22 of a defendant or other occupant bound by a foreclosure judgment, and the possessions and personal effects of such defendant or other occupant, not more than one hundred dollars per hour and the fee set by the Department of Administrative Services for state employees for each mile of travel; and (5) for any execution or ejectment, the officer or person serving such execution or ejectment may claim compensation for time and expenses of any mover, locksmith or any other individual, in keeping, securing or removing property and the transportation incidental to such execution of ejectment, provided such officer or person shall make out a bill. The bill shall specify the labor done, and by whom, the time spent, the travel, the money paid, if any, and to whom and for what.

Sec. 54. Section 52-261a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2022*):

(a) Any process served by any officer or person for the Judicial Department or Division of Criminal Justice shall be served in accordance with the following schedule of fees:

(1) Except as provided in subdivision (3) of this subsection, each officer or person who serves process shall receive a fee of not more than [thirty] fifty dollars for the service of such process on a person and an additional fee of [ten] fifty dollars for the service of such process on each additional person, except that such officer or person shall receive an additional fee of twenty dollars for each subsequent service of such

Substitute House Bill No. 5393

process at the same address.

(2) Except as provided in subdivision (3) of this subsection, in addition to the fee set forth in subdivision (1) of this subsection, each officer or person who serves process shall receive, for each mile of travel, the same amount per mile as provided for state employees pursuant to section 5-141c, to be computed from the place where such officer or person received the process to the place of service, and thence in the case of civil process to the place of return, provided, if more than one process is served on one person at one time by any such officer or person, the total cost of travel for such service shall be the same as for the service of one process only, except that in the case in which an officer or person is requested or required to effectuate in-hand personal service, such officer shall also receive the fee set by the Department of Administrative Services for state employees for each mile of travel for each round trip traveled while attempting to effectuate in-hand personal service, to be computed from the place where the process was received to the place of attempted service, and if multiple trips to effectuate service are made, back to the place where process was received and then to the place of the subsequent attempt at service, and thence in the case of civil process to the place of return, provided the officer or person shall state in the return of service that in-hand personal service was requested or required and that multiple trips were necessary to effectuate in-hand personal service. The officer or person requesting the receipt of such round trip travel shall make out a bill reciting the dates, times and results of each trip the officer or person traveled while attempting to effectuate in-hand personal service. The officer or person requesting the receipt of such attempted round trip travel shall receive such travel fees for attempted service only when in-hand personal service of process is effectuated. Such travel fees paid may be limited to three round trips, provided nothing in this section shall limit payment of a greater amount to an officer or person serving process.

Substitute House Bill No. 5393

(3) Each officer or person who serves process to enforce the obligation of an attorney pursuant to subdivision (2) of subsection (a) of section 51-81d shall receive [twenty cents for each mile of travel] the fee set by the Department of Administrative Services for state employees for each mile of travel, to be computed from the place where such officer or person received the process to the place of service, and thence to the place of return. If more than one process is served on one person at one time by any such officer or person, the total cost of travel for the service shall be the same as for the service of one process only.

(4) Each officer or person who serves process shall also receive the moneys actually paid for town clerk's fees on the service of process.

(5) Each officer or person who serves process shall also receive the moneys actually paid for fees for the disclosure or search of records of the Department of Motor Vehicles in connection with the service of process.

(6) Any officer or person required to summon jurors by personal service of a warrant to attend court shall receive for the first ten miles of travel while so engaged, such mileage to be computed from the place where such officer or person receives the process to the place of service, twenty-five cents for each mile, and for each additional mile, ten cents.

(7) For summoning any juror to attend court otherwise than by personal service of the warrant, such officer or person shall receive only the sum of fifty cents and actual disbursements necessarily expended by such officer or person in making service thereof as directed.

(b) Notwithstanding the provisions of this section, for summoning grand jurors, such officer or person shall receive only such officer's or person's actual expenses and such reasonable sum for services as are taxed by the court.

(c) The following fees shall be allowed and paid: (1) For taking bail or

Substitute House Bill No. 5393

bail bond, one dollar; (2) for copies of writs and complaints, exclusive of endorsements, [sixty cents] one dollar per page; (3) for endorsements, [forty] fifty cents per page or fraction thereof; (4) for service of a warrant for the seizure of intoxicating liquors, or for posting and leaving notices after the seizure, or for the destruction or delivery of any such liquors under order of court, one dollar; (5) for the removal and custody of such liquors so seized, reasonable expenses and one dollar; (6) for levying an execution, when the money is actually collected and paid over, or the debt secured by the officer to the acceptance of the creditor, [three] fifteen per cent on the amount of the execution; (7) on the levy of an execution on real property and on application for sale of personal property attached, to each appraiser, for each half day of actual service, two dollars, to surveyors when necessarily employed, four dollars per day and to each chain bearer necessarily employed, two dollars per day, which sums, with those paid to the town clerk, shall be, by the officer levying the execution, endorsed thereon, together with such officer's own fees; (8) for causing an execution levied on real property to be recorded, fees for travel and fifty [cents] dollars; (9) for services on an application for the sale of personal property attached, or in selling mortgaged property foreclosed under a decree of court, the same fees as for similar services on executions; (10) for committing any person to a community correctional center, in civil actions, [twenty cents a mile for travel] the fee set by the Department of Administrative Services for state employees for each mile of travel, from the place of the court to the community correctional center, in lieu of all other expenses; [and] (11) for summoning and attending a jury for reassessing damages or benefits on a highway, three dollars a day; and (12) for any recording for which the recording fee is not otherwise prescribed by law, fifty dollars, costs and the fee set by the Department of Administrative Services for state employees for each mile of travel.

(d) The court shall tax as costs a reasonable amount for the care of property held by any officer under attachment or execution. The officer

Substitute House Bill No. 5393

serving any attachment or execution may claim compensation for time and expenses of any person, in keeping, securing or removing property taken thereon, provided such officer shall make out a bill. The bill shall specify the labor done and by whom, the time spent, the travel, the money paid, if any, and to whom and for what. The compensation for the services shall be fixed on the basis of two dollars per hour and the amount of expenses and shall be taxed by the court with the costs.

(e) The following fees shall be allowed and paid, except to state employees in the classified service: (1) For each arrest in criminal cases, one dollar and fifty cents; (2) for any necessary assistants in making criminal arrests, a reasonable sum, the necessity of such assistance to be proved by the oath of the officer; (3) for travel with a prisoner to court or to a community correctional center, forty cents a mile, provided (A) if more than one prisoner is transported at the same time, the total cost of travel shall be forty cents per mile for each prisoner transported up to a maximum of two dollars per mile, regardless of the number of prisoners transported, and (B) if a prisoner is transported for commitment on more than one mittimus, the total cost of travel shall be the same as for the transportation of one prisoner committed on one mittimus only; (4) for holding a prisoner in custody upon criminal process for each twelve hours or fraction thereof, to be taxed as expenses in the case, one dollar; (5) for holding a prisoner in custody by order of court, one dollar a day; (6) for keepers, for every twelve hours, in lieu of all other expenses, except in special cases to be approved by the court, five dollars; (7) for executing a mittimus of commitment to the Connecticut Correctional Institution, Somers, for each prisoner, one dollar and fifty cents; (8) for transporting any prisoner from a community correctional center to the Connecticut Correctional Institution, Somers, or for transporting any person under commitment from a community correctional center to the John R. Manson Youth Institution, Cheshire, twenty-five cents a mile, to be taxed as expenses, provided, if more than one prisoner or person is transported, the total

Substitute House Bill No. 5393

cost of travel shall be twenty-five cents per mile for each prisoner or person transported up to a maximum of one dollar per mile, regardless of the number of prisoners or persons transported; (9) for taking samples to a state chemist by order of court, two dollars, and for each mile of travel in going and returning, ten cents; and (10) for producing any prisoner, held by criminal process, in court or before a judge under habeas corpus proceedings, twenty-five cents a mile travel and two dollars and fifty cents a day for attendance, to be taxed and allowed by the court or judge.

Sec. 55. Subsection (d) of section 52-356a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2022*):

(d) All amounts received from the sale, and all other money received, shall be distributed subject to the supervision of the court according to the following priorities: (1) To all reasonable and necessary costs of sale; (2) to other legal costs of levy including the levying officer's fees of [five] fifteen per cent of the amount realized; (3) to payment of the judgment creditor pursuant to the judgment under which the sale was held or the money received; (4) to payment of any subordinate secured parties or lienors who make a written demand to the levying officer prior to the sale, according to their respective interests, and to any other judgment creditors presenting an execution to the levying officer, in the order of presentation; and (5) to payment to the judgment debtor.

Sec. 56. Subsection (c) of section 47a-42 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2022*):

(c) Whenever the possessions and personal effects of a defendant are removed by a state marshal under this section, such possessions and effects shall be delivered by such marshal to the designated place of storage. The plaintiff shall pay the state marshal for such removal in

Substitute House Bill No. 5393

accordance with the provisions of subsection (b) of section 52-261, as amended by this act. Such removal [, delivery and storage] and delivery shall be at the expense of the defendant and may be recovered by the plaintiff. If such possessions and effects are not reclaimed by the defendant and the expense of such storage is not paid to the chief executive officer within fifteen days after such eviction, the chief executive officer shall sell the same at public auction, after using reasonable efforts to locate and notify the defendant of such sale and after posting notice of such sale for one week on the public signpost nearest to the place where the eviction was made, if any, or at some exterior place near the office of the town clerk. The chief executive officer shall deliver to the defendant the net proceeds of such sale, if any, after deducting a reasonable charge for storage of such possessions and effects. If the defendant does not demand the net proceeds within thirty days after such sale, the chief executive officer shall turn over the net proceeds of the sale to the town treasury.

Sec. 57. Subsection (e) of section 14-10 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2022*):

(e) In the event (1) a federal court judge, federal court magistrate or judge of the Superior Court, Appellate Court or Supreme Court of the state, (2) a police officer, as defined in section 7-294a, or a member of the Division of State Police within the Department of Emergency Services and Public Protection, (3) an employee of the Department of Correction, (4) an attorney-at-law who represents or has represented the state in a criminal prosecution, (5) a member or employee of the Board of Pardons and Paroles, (6) a judicial branch employee regularly engaged in court-ordered enforcement or investigatory activities, (7) an inspector employed by the Division of Criminal Justice, (8) a federal law enforcement officer who works and resides in this state, (9) a state referee under section 52-434, [or] (10) a lake patrolman appointed

Substitute House Bill No. 5393

pursuant to subsection (a) of section 7-151b engaged in boating law enforcement, or (11) a state marshal, submits a written request and furnishes such individual's business address to the commissioner, such business address only shall be disclosed or available for public inspection to the extent authorized by this section.

Sec. 58. Subsection (a) of section 1-217 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2022*):

(a) No public agency may disclose, under the Freedom of Information Act, from its personnel, medical or similar files, the residential address of any of the following persons employed by such public agency:

(1) A federal court judge, federal court magistrate, judge of the Superior Court, Appellate Court or Supreme Court of the state, or family support magistrate;

(2) A sworn member of a municipal police department, a sworn member of the Division of State Police within the Department of Emergency Services and Public Protection or a sworn law enforcement officer within the Department of Energy and Environmental Protection;

(3) An employee of the Department of Correction;

(4) An attorney-at-law who represents or has represented the state in a criminal prosecution;

(5) An attorney-at-law who is or has been employed by the Division of Public Defender Services or a social worker who is employed by the Division of Public Defender Services;

(6) An inspector employed by the Division of Criminal Justice;

(7) A firefighter;

Substitute House Bill No. 5393

(8) An employee of the Department of Children and Families;

(9) A member or employee of the Board of Pardons and Paroles;

(10) An employee of the judicial branch;

(11) An employee of the Department of Mental Health and Addiction Services who provides direct care to patients; [or]

(12) A member or employee of the Commission on Human Rights and Opportunities; or

(13) A state marshal appointed by the State Marshal Commission pursuant to section 6-38b.

Sec. 59. Subsection (b) of section 46b-15 of the 2022 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2022*):

(b) The application form shall allow the applicant, at the applicant's option, to indicate whether the respondent holds a permit to carry a pistol or revolver, an eligibility certificate for a pistol or revolver, a long gun eligibility certificate or an ammunition certificate or possesses one or more firearms or ammunition. The application shall be accompanied by an affidavit made under oath which includes a brief statement of the conditions from which relief is sought. Upon receipt of the application the court shall order that a hearing on the application be held not later than fourteen days from the date of the order except that, if the application indicates that the respondent holds a permit to carry a pistol or revolver, an eligibility certificate for a pistol or revolver, a long gun eligibility certificate or an ammunition certificate or possesses one or more firearms or ammunition, and the court orders an ex parte order, the court shall order that a hearing be held on the application not later than seven days from the date on which the ex parte order is issued. The court, in its discretion, may make such orders as it deems appropriate

Substitute House Bill No. 5393

for the protection of the applicant and such dependent children or other persons as the court sees fit. In making such orders ex parte, the court, in its discretion, may consider relevant court records if the records are available to the public from a clerk of the Superior Court or on the Judicial Branch's Internet web site. In addition, at the time of the hearing, the court, in its discretion, may also consider a report prepared by the family services unit of the Judicial Branch, [that] provided the person who prepared such report is available to testify at the hearing and is subject to cross examination. The report may include, as available: Any existing or prior orders of protection obtained from the protection order registry; information on any pending criminal case or past criminal case in which the respondent was convicted of a violent crime; any outstanding arrest warrant for the respondent; and the respondent's level of risk based on a risk assessment tool utilized by the Court Support Services Division. The report may also include information pertaining to any pending or disposed family matters case involving the applicant and respondent. Any report provided by the Court Support Services Division to the court shall also be provided to the applicant and respondent. Such orders may include temporary child custody or visitation rights, and such relief may include, but is not limited to, an order enjoining the respondent from (1) imposing any restraint upon the person or liberty of the applicant; (2) threatening, harassing, assaulting, molesting, sexually assaulting or attacking the applicant; or (3) entering the family dwelling or the dwelling of the applicant. Such order may include provisions necessary to protect any animal owned or kept by the applicant including, but not limited to, an order enjoining the respondent from injuring or threatening to injure such animal. If an applicant alleges an immediate and present physical danger to the applicant, the court may issue an ex parte order granting such relief as it deems appropriate. If a postponement of a hearing on the application is requested by either party and granted, the ex parte order shall not be continued except upon agreement of the parties or by order of the court for good cause shown. If a hearing on the application is scheduled or an

Substitute House Bill No. 5393

ex parte order is granted and the court is closed on the scheduled hearing date, the hearing shall be held on the next day the court is open and any such ex parte order shall remain in effect until the date of such hearing. If the applicant is under eighteen years of age, a parent, guardian or responsible adult who brings the application as next friend of the applicant may not speak on the applicant's behalf at such hearing unless there is good cause shown as to why the applicant is unable to speak on his or her own behalf, except that nothing in this subsection shall preclude such parent, guardian or responsible adult from testifying as a witness at such hearing. As used in this subsection, "violent crime" includes: (A) An incident resulting in physical harm, bodily injury or assault; (B) an act of threatened violence that constitutes fear of imminent physical harm, bodily injury or assault, including, but not limited to, stalking or a pattern of threatening; (C) verbal abuse or argument if there is a present danger and likelihood that physical violence will occur; and (D) cruelty to animals as set forth in section 53-247.

Sec. 60. Subsection (a) of section 5-142 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) If any member of the Division of State Police within the Department of Emergency Services and Public Protection or of any correctional institution, or any institution or facility of the Department of Mental Health and Addiction Services giving care and treatment to persons afflicted with a mental disorder or disease, or any institution for the care and treatment of persons afflicted with any mental defect, or any full-time enforcement officer of the Department of Energy and Environmental Protection, the Department of Motor Vehicles, the Department of Consumer Protection who carries out the duties and responsibilities of sections 30-2 to 30-68m, inclusive, [the Office of Adult Probation] Adult Probation Services, the division within the

Substitute House Bill No. 5393

Department of Administrative Services that carries out construction services or the Board of Pardons and Paroles, any probation officer for juveniles or any employee of any juvenile detention home, any member of the police or fire security force of The University of Connecticut, any member of the police or fire security force of Bradley International Airport, any member of the Office of State Capitol Police or any person appointed under section 29-18 as a special policeman for the State Capitol building and grounds and the Legislative Office Building and parking garage and related structures and facilities and other areas under the supervision and control of the Joint Committee on Legislative Management, the Chief State's Attorney, the Chief Public Defender, the Deputy Chief State's Attorney, the Deputy Chief Public Defender, any state's attorney, any assistant state's attorney or deputy assistant state's attorney, any public defender, assistant public defender or deputy assistant public defender, any chief inspector or inspector appointed under section 51-286 or any staff member or employee of the Division of Criminal Justice or of the Division of Public Defender Services, or any Judicial Department employee sustains any injury (1) while making an arrest or in the actual performance of such police duties or guard duties or fire duties or inspection duties, or prosecution or public defender or courthouse duties, or while attending or restraining an inmate of any such institution or as a result of being assaulted in the performance of such person's duty, or while responding to an emergency or code at a correctional institution, and (2) that is a direct result of the special hazards inherent in such duties, the state shall pay all necessary medical and hospital expenses resulting from such injury. If total incapacity results from such injury, such person shall be removed from the active payroll the first day of incapacity, exclusive of the day of injury, and placed on an inactive payroll. Such person shall continue to receive the full salary that such person was receiving at the time of injury subject to all salary benefits of active employees, including annual increments, and all salary adjustments, including salary deductions, required in the case of active employees, for a period of two hundred sixty weeks from

Substitute House Bill No. 5393

the date of the beginning of such incapacity. Thereafter, such person shall be removed from the payroll and shall receive compensation at the rate of fifty per cent of the salary that such person was receiving at the expiration of said two hundred sixty weeks as long as such person remains so disabled, except that any such person who is a member of the Division of State Police within the Department of Emergency Services and Public Protection shall receive compensation at the rate of sixty-five per cent of such salary as long as such person remains so disabled. Such benefits shall be payable to a member of the Division of State Police after two hundred sixty weeks of disability only if the member elects in writing to receive such benefits in lieu of any benefits payable to the employee under the state employees retirement system. In the event that such disabled member of the Division of State Police elects the compensation provided under this subsection, no benefits shall be payable under chapter 568 or the state employees retirement system until the former of the employee's death or recovery from such disability. The provisions of section 31-293 shall apply to any such payments, and the state of Connecticut is authorized to bring an action or join in an action as provided by said section for reimbursement of moneys paid and which it is obligated to pay under the terms of this subsection. All other provisions of the workers' compensation law not inconsistent with this subsection, including the specific indemnities and provisions for hearing and appeal, shall be available to any such state employee or the dependents of such a deceased employee. All payments of compensation made to a state employee under this subsection shall be charged to the appropriation provided for compensation awards to state employees. On and after October 1, 1991, any full-time officer of the Department of Energy and Environmental Protection, the Department of Motor Vehicles, the Department of Consumer Protection who carries out the duties and responsibilities of sections 30-2 to 30-68m, inclusive, [the Office of Adult Probation] Adult Probation Services, the division within the Department of Administrative Services that carries out construction services or the Board of Pardons and Paroles, any

Substitute House Bill No. 5393

probation officer for juveniles or any employee of any juvenile detention home, the Chief State's Attorney, the Chief Public Defender, the Deputy Chief State's Attorney, the Deputy Chief Public Defender, any state's attorney, assistant state's attorney or deputy assistant state's attorney, any public defender, assistant public defender or deputy assistant public defender, any chief inspector or inspector appointed under section 51-286 or any staff member or employee of the Division of Criminal Justice or the Division of Public Defender Services, or any Judicial Department employee who sustains any injury in the course and scope of such person's employment shall be paid compensation in accordance with the provisions of section 5-143 and chapter 568, except, if such injury is sustained as a result of being assaulted in the performance of such person's duty, any such person shall be compensated pursuant to the provisions of this subsection.

Sec. 61. Section 46b-3 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) The judges of the Superior Court shall appoint such domestic relations officers and other personnel as they deem necessary for the proper operation of the family relations sessions. The salaries and duties of such officers shall be determined by the judges in accordance with the compensation plan established under section 51-12. For the purposes of any investigation or pretrial conference the judge presiding at any family relations session may employ the services of any probation officer, including those under the direction of [the Office of Adult Probation] Adult Probation Services, physician, psychologist, psychiatrist or family counselor. Each person serving on July 1, 1978, in the Court of Common Pleas appointed under the provisions of section 51-156c, revised to 1975, shall continue to serve in the Superior Court. In no event shall the compensation of such person be affected solely as a result of the transfer of jurisdiction provided in section 51-164s. The Chief Court Administrator may assign, reassign and modify the

Substitute House Bill No. 5393

assignments of such family relations personnel as he deems necessary to be in the best interest of the disposition of family relations matters. Such family relations personnel shall also be available to assist the courts of probate in cases involving judicial consent to marriage of a minor.

(b) Family relations personnel are authorized to collect fees in accordance with the provisions of section 52-259.

Sec. 62. Subdivision (1) of subsection (h) of section 46b-15 of the 2022 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2022*):

(h) (1) The applicant shall cause notice of the hearing pursuant to subsection (b) of this section and a copy of the application and the applicant's affidavit and of any ex parte order issued pursuant to subsection (b) of this section to be served on the respondent not less than three days before the hearing. A proper officer responsible for executing such service shall accept all documents in an electronic format, if presented to such officer in such format. The cost of such service, including mileage pursuant to section 52-261, as amended by this act, shall be paid for by the Judicial Branch. No officer or person shall be entitled to a fee for service pursuant to this section if timely return of service is not received by the court, absent a court order authorizing such fee. For the purposes of this subsection, timely return includes, but is not limited to, transmitting by facsimile or other means, a copy of the return of service to the court prior to the hearing followed by the delivery of the original return to the court within a reasonable time after the hearing.

Sec. 63. Subsection (d) of section 46b-16a of the 2022 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2022*):

Substitute House Bill No. 5393

(d) The applicant shall cause notice of the hearing pursuant to subsection (b) of this section and a copy of the application and the applicant's affidavit and of any ex parte order issued pursuant to subsection (b) of this section to be served by a proper officer on the respondent not less than five days before the hearing. The cost of such service, including mileage pursuant to section 52-261, as amended by this act, shall be paid for by the Judicial Branch. Upon the granting of an ex parte order, the clerk of the court shall provide two copies of the order to the applicant. No officer or person shall be entitled to a fee for service pursuant to this section if timely return of service is not received by the court, absent a court order authorizing such fee. For the purposes of this subsection, timely return includes, but is not limited to, transmitting by facsimile or other means, a copy of the return of service to the court prior to the hearing followed by the delivery of the original return to the court within a reasonable time after the hearing. Upon the granting of an order after notice and hearing, the clerk of the court shall provide two copies of the order to the applicant and a copy to the respondent. Every order of the court made in accordance with this section after notice and hearing shall be accompanied by a notification that is consistent with the full faith and credit provisions set forth in 18 USC 2265(a), as amended from time to time. Immediately after making service on the respondent, the proper officer shall (1) send or cause to be sent, by facsimile or other means, a copy of the application, or the information contained in such application, stating the date and time the respondent was served, to the law enforcement agency or agencies for the town in which the applicant resides, the town in which the applicant is employed and the town in which the respondent resides, and (2) as soon as possible, but not later than two hours after the time that service is executed, input into the Judicial Branch's Internet-based service tracking system the date, time and method of service. If, prior to the date of the scheduled hearing, service has not been executed, the proper officer shall input into such service tracking system that service was unsuccessful. The clerk of the court shall send, by facsimile or other

Substitute House Bill No. 5393

means, a copy of any ex parte order and of any order after notice and hearing, or the information contained in any such order, to the law enforcement agency or agencies for the town in which the applicant resides, the town in which the applicant is employed and the town in which the respondent resides, not later than forty-eight hours after the issuance of such order, and immediately to the Commissioner of Emergency Services and Public Protection. If the applicant is enrolled in a public or private elementary or secondary school, including a technical education and career school, or an institution of higher education, as defined in section 10a-55, the clerk of the court shall, upon the request of the applicant, send, by facsimile or other means, a copy of such ex parte order or of any order after notice and hearing, or the information contained in any such order, to such school or institution of higher education, the president of any institution of higher education at which the applicant is enrolled and the special police force established pursuant to section 10a-142, if any, at the institution of higher education at which the applicant is enrolled, if the applicant provides the clerk with the name and address of such school or institution of higher education.

Sec. 64. (*Effective from passage*) Sections 1 to 27, inclusive, of public act 21-80 shall take effect July 1, 2023.

Sec. 65. (NEW) (*Effective July 1, 2023*) Sections 52-619 to 52-645, inclusive, of the 2022 supplement to the general statutes do not apply to a receivership for which the receiver was appointed before July 1, 2023.

Sec. 66. Section 2 of public act 21-170 is repealed. (*Effective from passage*)

Sec. 67. Section 52-646 of the 2022 supplement to the general statutes is repealed. (*Effective from passage*)

Sec. 68. Section 52-155 of the general statutes is repealed. (*Effective July*

Substitute House Bill No. 5393

1, 2023, and applicable to any request for discovery in an action pending on or filed on or after said date)

Approved May 10, 2022