OLR Bill Analysis

sSB 426

AN ACT CONCERNING COURT OPERATIONS AND ADMINISTRATIVE PROCEEDINGS.

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SUMMARY

This bill makes various unrelated changes in laws on court procedures and operations.

It also makes minor, technical, and conforming changes.

EFFECTIVE DATE: Upon passage, unless stated otherwise below.

§ 1 — NONDISCRIMINATION PROVISIONS IN PUBLIC CONTRACTS

Adds domestic violence victims to the list of people protected under existing nondiscrimination provisions that must be in most state agency, municipal public works, and quasi-public agency project contracts

The bill adds domestic violence victims to the list of people with protected status under existing nondiscrimination provisions that must be part of most state agency, municipal public works, and quasi-public agency project contracts. Under existing law, these provisions already apply to various other people in protected classes (e.g., on the basis of their race, age, or disability status) and generally require the contractors to agree (1) that, in performing the contracts, they will not unlawfully discriminate or permit discrimination based on a person's status and (2) to take affirmative action to ensure that applicants with job-related qualifications are employed and that employees are treated without regard to their status.

EFFECTIVE DATE: July 1, 2024

§ 2 — COURT REPORTING TO THE DEPARTMENT OF MOTOR VEHICLES

Requires the court to report to the Department of Motor Vehicles Commissioner anyone who willfully fails to comply with remote events and deadlines the court sets for certain motor vehicle infractions and violations

The bill requires the court to report to the Department of Motor Vehicles (DMV) Commissioner anyone who willfully fails to comply with remote events and deadlines the court sets for motor vehicle infractions and certain violations. Specifically, this applies to motor vehicle violations under the jurisdiction of the Superior Court's

Centralized Infractions Bureau, which is responsible for processing payments and not guilty pleas for them.

Existing law already requires the court to report to the DMV commissioner anyone charged with one of these infractions or violations who fails to pay the fine and any additional fee imposed, send in his or her not guilty plea by the answer date, or willfully fails to appear for any scheduled court appearance that may be required.

EFFECTIVE DATE: July 1, 2024

§§ 3, 16 & 19 — ELECTRONIC OATHS AND SIGNATURES

Specifies that (1) affidavits for certain risk warrants, search warrants, and warrants to install a tracking device may be sworn to court officials either in person or electronically if there is simultaneous sight and sound and (2) court officials may electronically sign or verify warrants, warrant-related forms, affidavits, and findings

The bill specifies that affidavits establishing the grounds for issuing certain warrants may be sworn to a judge or judge trial referee either in person or electronically with simultaneous sight and sound. Specifically, this may be done for a (1) risk warrant in connection with certain risk protection orders against an adult, (2) search warrant, or (3) warrant to install a tracking device.

The bill also specifies that warrants, warrant-related forms, affidavits, and findings are types of documents that court officials may electronically sign or verify. Existing law already expressly allows any notice, order, judgment, decision, decree, memorandum, ruling, opinion, mittimus, or similar document issued by certain court officials to be signed or verified by computer, fax, or other technology according to the chief court administrator's procedures and technical standards. As under existing law, the electronically signed or verified document has the same validity and status as a signed or verified paper document.

EFFECTIVE DATE: October 1, 2024

Applicable Warrants

Existing law generally allows the police or a state's attorney or assistant state's attorney, under limited circumstances, to apply to court

for a risk protection order prohibiting someone age 18 or older and at imminent risk of injuring themselves or someone else from obtaining or possessing firearms, other deadly weapons, or ammunition. As part of this process, the court may also issue a risk warrant for the police to seize these items if the person possesses them (CGS § 29-38c(a)).

Existing law also generally allows a state's attorney, assistant state's attorney, or two credible people, under limited circumstances, to apply to court for a (1) search warrant for the police to search a place, thing, or person and seize the property named in the warrant or (2) warrant to install a tracking device and use it in gathering evidence of a criminal offense (CGS §54-33(b) & (c)).

§§ 4-7, 9-15 & 17-18 — CHIEF COURT ADMINISTRATOR'S ROLE

Conforms several judicial branch operational statutes to current practice by reassigning responsibilities from the executive committee of superior court judges to the chief court administrator

The bill conforms several judicial branch operational statutes to current practice by solely authorizing the chief court administrator, rather than, in most instances, the executive committee of superior court judges, to do the following:

1. appoint family relations personnel (§ 4);
2. appoint juvenile probation officers, probation aides, clerks, detention personnel, clerical assistants, and other personnel, including supervisory staff (§ 5);
3. establish districts for establishing venue in juvenile matters (§ 6);
4. establish and maintain Support Enforcement Services staff and offices (§ 7);
5. appoint housing mediators (§ 9);
6. designate the number and location of court offices (§ 10);
7. appoint most clerks (§ 11);
8. appoint official court reporters (§ 12);

9. appoint the state-wide bar counsel and assistant bar counsel (§ 13);

10. appoint grievance counsel and investigators (§ 14);

11. establish and maintain schedules of fines for infractions and specific violations handled through the Superior Court's Centralized Infractions Bureau (§ 15);

12. establish the civil penalty for failure to appear for jury service (§ 17); and

13. modify the geographical areas of the superior courts (§ 18).

Additionally, the bill authorizes superior court chief clerks, rather than superior court judges, to appoint, as they deem necessary, temporary assistant clerks or clerks for the superior court and to discharge them (§ 5(c)). It also eliminates the one-year term limits on the state-wide bar counsel, assistant bar counsel, grievance counsel, and grievance investigators (§§ 13 & 14).

The bill also eliminates obsolete provisions and makes other minor, technical, and conforming changes.

§ 8 — SUMMARY PROCESS STAY OF EXECUTION

Replaces the current security process for maintaining a stay of execution while appealing a summary process judgment with a similar one

The bill replaces the current security process for maintaining a stay of execution while appealing a summary process judgement with a similar one to guarantee payment for all rents that may accrue during the appeal.

By law, once a Superior Court judge has issued a summary process judgment against a defendant occupying a dwelling unit, the defendant has five days to appeal the decision (i.e., a five-day stay of execution). If the defendant appeals within that period, the execution is further stayed until final action, unless, among other things, the defendant fails to comply with the security process in another law (CGS § 47a-35).

Currently, under this other law and during the five-day period to appeal, the defendant must give the adverse party a surety bond to guarantee payment for (1) all rents that may accrue while the appeal is pending or (2) if there is no lease, the reasonable value for using and occupying the unit. However, the defendant may alternatively file a motion for an order to make payments to the court, which the court must issue after a hearing, for the reasonable fair rental value of the use and occupancy of the unit during the appeal accruing from the date of the order. The courts have also held that a defendant may alternatively file a motion to set the bond, because the current law is silent on the precise procedure for setting the bond amount and does not expressly state whether an appeal should be dismissed if no bond is set in the first place (see *City of Norwich* v. *Shelby-Posello*, 140 Conn. App. 383 (2012) and *Santander Bank, N.A.* v. *Harrison*, No. NWHCV186003659S, 2019 WL 7498755 (Conn. Super. Ct. Oct. 24, 2019)).

The bill replaces these options with the following steps that must be taken by the courts and the parties once an appeal has been filed:

1. the chief clerk of the Appellate Court, or his or her designee, must notify the Superior Court that rendered the summary process judgment that the judgment is being appealed;

2. within 14 days after receiving the notice, the Superior Court must schedule and hold a hearing to guarantee payment for all rents that may accrue during the appeal;

3. after the hearing, the Superior Court may order the defendant to deposit with the court an amount equal to (a) the defendant's portion of the last-agreed upon rent for the dwelling unit or (b) if there was no lease, the reasonable value for using and occupying it that may accrue; and

4. after the hearing the Superior Court must order the defendant to deposit with the court payments for the reasonable fair rental value of using and occupying the premises during the appeal accruing from the date the appeal was filed.

As for deposit orders under current law, the orders under the bill must allow the amount to be paid in monthly installments, as it becomes due. Additionally, if any portion of the defendant's rent is being paid to the plaintiff by a housing authority, municipality, state agency, or similar entity, the defendant only needs to deposit an amount equal to the defendant's portion of the rent.

EFFECTIVE DATE: July 1, 2024

§ 20 — VICTIM INFORMATION TO BAIL COMMISSIONERS

Requires police officers to give bail commissioners or intake assessment and referral specialists a crime victim's identifying information

Regardless of the provisions of the Freedom of Information Act (FOIA) and certain court procedure statutes, the bill requires police officers, presumably after someone has been arrested and criminally charged, to give bail commissioners or intake assessment and referral specialists identifying information about the victim of the charged crime or crimes, including the victim's name, address, and phone number, if available, to carry out the commissioner's or specialist's duties.

Existing law already requires police officers to immediately notify a bail commissioner or intake assessment and referral specialist if an arrested person does not post bail.

EFFECTIVE DATE: July 1, 2024

§ 21 — PLEA AGREEMENT VICTIM STATEMENTS

Allows all crime victims to make a statement on any plea agreement prior to its acceptance by the court instead of just those where the defendant pleas to a lesser offense than what was originally charged

By law and in criminal cases, before the court can accept a plea of guilty or nolo contendere through a plea agreement with the state, the court must allow certain victims of the crime to appear before the court to make a statement for the record, which may include the victim's opinion on any plea agreement. Current law limits this allowance to cases where the defendant pleads to a lesser offense than what was originally charged. The bill removes this condition, allowing all victims to make statements regardless of the circumstances for the plea

agreement.

EFFECTIVE DATE: July 1, 2024

§§ 22 & 24 — VICTIM COMPENSATION FOR EMOTIONAL HARM AND PECUNIARY LOSS

Removes the requirement that a crime victim's mental or emotional impairment require treatment through services to be eligible for victim compensation and expands permitted victim compensation by allowing payment for pecuniary loss for attending certain Psychiatric Security Review Board hearings

By law, certain crime victims may receive victim compensation for personal injury, including emotional harm (CGS Chapter 968). Under current law, eligible "emotional harm" must be a mental or emotional impairment that (1) requires treatment through services and (2) is directly attributable to a threat of physical injury or death to the affected person. The bill removes the requirement that the victim's impairment require treatment through services.

The bill also expands permitted victim compensation by allowing payment for pecuniary loss to an injured victim or an injured or deceased victim's relatives or dependents for attending Psychiatric Security Review Board hearings on the criminal case of who was charged with committing the crime that resulted in the victim's injury or death.

By law, the Office of Victim Service (OVS) or a victim compensation commissioner may order this payment. Existing law already allows compensation for similar pecuniary losses for attendance at court proceedings, juvenile proceedings, and Board of Pardons and Parole hearings.

EFFECTIVE DATE: July 1, 2024

§ 23 — CONNECTICUT ADVISORY COUNCIL FOR VICTIMS OF CRIME AND OFFICE OF VICTIM SERVICES

Increases the membership of the Connecticut Advisory Council for Victims of Crime from 15 to 20 and specifies that the council's members may represent victims of gun violence

The bill increases the membership of the Connecticut Advisory Council for Victims of Crime from 15 to 20.

By law, this council must meet at least four times per year to recommend legislation to the OVS's program. The council's members are appointed by the chief justice and must include the chief victim compensation commissioner; representatives of the judicial and executive branch agencies involved with crime victims; and members who represent victim populations.

Under existing law, the represented victim populations expressly include homicide survivors and victims of family violence, sexual assault, drunk drivers, and assault and robbery. The bill specifies that victims of gun violence are a represented victim population.

Separately, the bill specifies that OVS's biennial report on the office's activities must be submitted to the Judiciary Committee. Current law requires the office to submit it to the committee with cognizance over victim services.

EFFECTIVE DATE: July 1, 2024

§ 25 — OFFICE OF VICTIM SERVICES VICTIM COMPENSATION PROGRAM

Extends the time limits for applying to the OVS victim compensation program by one year and allows emotional harm victims to use the compensation for security measures

The bill makes several changes to the OVS victim compensation program. Generally, to be eligible for victim compensation under current law, all of the following conditions must be met:

1. the application must be made within two years after the date of the personal injury or death;

2. the personal injury or death was the result of specified incidents or offenses; and

3. the incident or offense was reported to the police within five days after it occurred or within five days after when a report could reasonably have been made, with certain exceptions for sexual assault victims.

The bill extends the application deadline to three years after the

injury or death and eliminates the requirement that the incident or offense be reported to the police within the five-day time periods.

Additionally, the bill expands what compensation may be used for in cases of just emotional harm. Under current law, this compensation may only be used for medical and mental health care. The bill allows it to also be used for security measures.

The bill also makes minor, conforming, and technical changes.

EFFECTIVE DATE: July 1, 2024

§ 26 — PROHIBITED ACTIONS FOR PUBLIC OFFICIALS AND STATE EMPLOYEES

The bill eliminates current law's prohibition against public officials and state employees agreeing to accept, or being a member or employee of any kind of business that agrees to accept, compensation for representing a client before the Public Utilities Regulatory Authority or the Connecticut Siting Council

Current law prohibits, with certain exceptions, public officials and state employees (and their employees) from agreeing to accept, or being a member or employee of a partnership, association, professional corporation, or sole proprietorship that agrees to accept, any employment, fee, or other thing of value, for appearing, agreeing to appear, or taking any other action on behalf of another person before specified boards, departments, commissions, and commissioners, such as the banking, consumer protection, and insurance departments; the claims commissioner; the Public Utilities Regulatory Authority; and the Connecticut Siting Council.

The bill eliminates this prohibition's applicability to the Public Utilities Regulatory Authority and the Connecticut Siting Council.

§ 27 — REMOTE ACKNOWLEDGMENT OF COURT RECORDS

Establishes the circumstances under which someone may acknowledge certain court documents remotely if specific requirements are met

The bill establishes the circumstances under which someone may acknowledge certain court documents remotely if specific requirements are met.

Remote Acknowledgement in the State

Except when prohibited (see below), the bill allows a document to be acknowledged by someone who is not in the physical presence of a commissioner of the Superior Court at the time of the acknowledgment if certain conditions are met.

In such a case, remote acknowledgment can be taken if:

1. the person and the commissioner of the Superior Court can communicate simultaneously, in real time, by sight and sound using communication technology and

2. when performing the remote acknowledgment, the commissioner of the Superior Court reasonably identifies the person at the time of the acknowledgment by one or more of the methods listed below.

Under the bill, "communication technology" is an electronic device or process that:

1. allows a commissioner of the Superior Court and a remotely located individual to communicate with each other simultaneously by sight and sound and

2. when necessary and consistent with other applicable law, facilitates communication between a commissioner of the Superior Court and a remotely located person who has a vision, hearing, or speech impairment.

A "remotely located individual" is someone who is not in the physical presence of the commissioner of the Superior Court who takes the above acknowledgment. (This bill definition incorrectly cites to a different part of the bill.)

The court may use any of the following methods to reasonably identify the person:

1. personal knowledge of the person's identity;

2. a government-issued identification document or record that has

not expired and includes the person's photograph, name, and signature, such as a driver's license, government-issued identification card, or passport;

3. oath or affirmation by a credible witness who is (a) in the physical presence of either the commissioner of the Superior Court or the person; or (b) able to communicate in real time with the commissioner of the Superior Court and the person by sight and sound through an electronic device or process at the time of the acknowledgment, if the credible witness has personal knowledge of the individual's identity and has been reasonably identified by the commissioner of the Superior Court by one of these methods; or

4. at least two different types of identity proofing processes or services by which a third person provides a way to verify the individual's identity through a review of public or private data sources.

Under the bill, "identity proofing" is a process or service by which a third person gives a commissioner of the Superior Court a way to verify a remotely located individual's identity by reviewing personal information from public or private data sources.

Remote Acknowledgement Outside of the State

Under the bill, when the person seeking remote acknowledgement is physically located outside of Connecticut or outside the United States, the record being acknowledged must (1) be intended for filing or presentation in a matter before a court, governmental entity, public official, or other entity subject to Connecticut's jurisdiction or (2) not otherwise be prohibited by Connecticut law to be acknowledged outside the state.

"Outside the United States" is a location outside the geographic boundaries of the United States, Puerto Rico, the United States Virgin Islands and any territory, insular possession, or other location subject to the jurisdiction of the United States.

Acknowledgment Completed

Once the acknowledged record is signed by the person under the procedures above, the person must mail or otherwise cause to be delivered the signed original copy of it to the commissioner of the Superior Court.

The date and time of an acknowledgment conducted must be the date and time when the commissioner of the Superior Court witnessed the signature being performed by means of communication technology.

The Court's Authority

The bill specifies that it does not affect the authority of a commissioner of the Superior Court to refuse to take an acknowledgment or require a commissioner of the Superior Court to take an acknowledgment:

1. with respect to an electronic record,

2. for an individual not in the physical presence of the commissioner of the Superior Court, or

3. using a technology that the commissioner of the Superior Court has not selected.

Documents Prohibited From Remote Acknowledgment

The bill prohibits the remote acknowledgement of a record in the execution of any of the following:

1. a will, codicil, trust, or trust instrument (including the making of any of these documents);

2. health care instructions;

3. designation of a standby guardian;

4. designation of a person for decision-making and certain rights and obligations;

5. a living will;

6. a power of attorney;

7. a self-proving affidavit for an appointment of a health care representative or for a living will;

8. a mutual distribution agreement;

9. the execution of a disclaimer of property in a decedent's estate or passing under a nontestamentary instrument; or

10. a real estate closing.

Violation

The bill specifies that the performance of any acknowledgment in the making or execution of any of the above documents must be ineffective for any purpose and constitutes a violation of the law that prohibits the practice of law by someone who is not admitted as an attorney.

EFFECTIVE DATE: October 1, 2024

§ 28 — ANIMAL NEGLECT OR CRUELTY

Increases, by $5, the daily rate at which the return of certain bonds must be calculated when there is a specific court finding about neglected or cruelly treated animals; establishes confidentiality protections for the new owner of the animal

Return of Bond After a Finding of Animal Abuse

By law, animal control officers may (1) take physical custody of any animal they have reasonable cause to believe is in imminent harm and is neglected or cruelly treated in violation of the animal cruelty laws and (2) petition the court to have the animal removed from its owner. Among other things, the court may order that the animal be placed in the care and custody of a private or public agency or person, in which case the owner either relinquishes the animal or pays a $1,000 bond to the person who has temporary care and custody of the animal for reasonable expenses.

Under existing law, if the court finds that the animal was abused it (1) may order the animal to be humanely euthanized or (2) vest ownership of the animal to an agency or person licensed to care for animals. If the court makes this finding within less than 30 days after it

issued the order of temporary care and custody and the animal's owner posted a bond, the agency or person with whom the bond was posted must return the balance of the bond, if any, to the owner.

Under current law, the amount of the bond to be returned must be calculated at $15 dollars per day, per animal, or $25 dollars per day, per animal, if the animal is a horse or other large livestock, for the number of days less than 30 that the agency or person has not had temporary care and custody of the animal, less any veterinary costs and expenses incurred for the animal's welfare. The bill increases the daily rate by $5, making it a rate of $20 and $30 respectively.

Confidentiality Protection of the New Owner

By law, if the court vests ownership of the animal in the Department of Agriculture (DoAg) commissioner or a municipality, they may publicly auction the animal or vest ownership of it in an individual or a public or private nonprofit animal rescue or adoption organization.

Under the bill, any record containing the name, address, or other personally identifying information of the animal's new owner must be exempt from disclosure under state law, but it may be disclosed under a subpoena.

EFFECTIVE DATE: October 1, 2024

§ 29 — DOG BITE STATUTES

Generally replaces the current dog bite statute with provisions that (1) establish new procedures for owners, keepers, animal control officers, police officers, and injured persons and (2) specify factors an animal control officer must consider in deciding whether to issue an order to restrain or dispose of a biting or attacking dog

The bill generally eliminates current law's provisions that allow any owner or his or her agent, animal control officers, and policer officers to kill a dog observed pursuing or worrying a domestic animal or poultry. It instead allows these individuals, as well as the animal's or poultry's keeper or his or her agent, to kill any dog while the dog is in the act of biting, attacking, or pursuing the owner's or keeper's animal or poultry.

Under the bill, as under existing law, anyone who kills a dog in accordance with state law must not be held criminally or civilly liable

for doing it.

Complaint to Animal Control Officer

Under the bill, anyone who kills a dog, cat, or other animal under the circumstances described below must make complaint about the circumstances of the attack to an animal control officer of the town where the attack occurred. The animal control officer must investigate the circumstances of the attack set forth in the complaint.

This applies to a case in which any (1) owner, keeper, animal control officer, or police officer kills a dog described above or (2) person who is protecting himself or herself or another person or animal from physical harm while being bitten or attacked by a dog, cat, or other animal when the person is not on the owner's or keeper's premises.

Under the bill, "animal control officers" are those appointed by the DoAg commissioner (i.e., (1) a chief state animal control officer; (2) an assistant chief state animal control officer; and (3) not more than twelve state animal control officers and as many regional animal control officers and assistants as the commissioner deems necessary). They also include (1) municipal animal control officers appointed by the municipalities and (2) any regional animal control officers in the towns that agree to be served by regional officers (CGS §§ 22-328, -331 & -331a).

Investigation and Order Whether to Restrain or Dispose of Dog

Under the bill, if, after an investigation, the animal control officer determines that a person has in fact been bitten or attacked by a dog, the animal control officer may make any order on the restraint or disposal of the dog needed to protect public health and safety.

Factors to Consider. In determining the type of order to issue or conditions of restraint to impose, the animal control officer must consider factors that include the following:

1. the ability of the dog's owner or keeper, if any, to control the animal;

2. the severity of the injury the dog inflicted on the person;

3. the viciousness of the bite or attack;

4. any history of past bites or attacks by the dog;

5. whether the bite or attack occurred at a location that is off of the owner's or keeper's property;

6. whether the dog was provoked; and

7. whether the dog was protecting its owner or keeper from physical harm.

Provisions That Must Apply to Restraint or Disposal Orders Issued Under the Bill

The bill requires all of the following provisions to apply to any restraint or disposal order issued under the bill.

Effective Date. In the interest of public health and safety, and the health and safety of animals, whenever an order requires the restraint of an animal, it must be effective upon its issuance and remain in effect during any appeal of the order.

Physical Custody of Animal. In the interest of public health and safety, and the health and safety of animals, whenever an order requires the disposal of an animal, the issuing officer must take physical custody and retain possession of the animal during any appeal of the order.

The Order. Within 24 hours after the order is issued, a copy must be delivered to the person bitten or attacked, or to the owner or keeper of the animal which has been bitten or attacked. The order must include (1) the date, time, and place where the prehearing meeting must occur and (2) a statement informing the owner or keeper of the biting or attacking animal about their right to appeal the order after the prehearing meeting.

Prehearing Meeting. Within 15 days after the order is issued, the municipality in which the attack occurred must schedule and hold a prehearing meeting with the animal's owner or keeper and the person who was bitten or attacked, or the owner or keeper of the animal that

was been bitten or attacked, to determine if the order is in dispute. At the meeting the owner or keeper of the animal subject to the order and their legal counsel, if any, the animal control officer issuing the order, and the animal control officer's appointing authority, or their designee, may stipulate to an alternate order.

Prehearing Meeting Statement. Within 10 days after the prehearing meeting, the municipality must give a statement about the meeting to the (1) owner or keeper of the animal subject to the order and (2) victim or the owner or keeper of the animal that was bitten or attacked. The statement must include only the names of the attending parties, the meeting date, and whether the order was modified. All settlement discussions that occurred during the meeting must be confidential and protected from disclosure under state law.

Appeal After the Prehearing Meeting. After the prehearing meeting, anyone aggrieved by an order, including an alternate order, issued by an animal control officer may appeal to the Superior Court of the judicial district where the municipality is located. They must appeal within 15 days after the prehearing meeting concluded.

Fees. The owner or keeper of an animal subject to an order must pay all fees under a state law (presumably the redemption fee established by the municipality, which must not exceed $15). If the owner or keeper fails to comply with the order, an animal control officer may seize the animal before or during the prehearing meeting or appeal, and until the appeal is complete, to ensure compliance. The owner must be responsible for any expenses resulting from the seizure.

Final Order. Once the order becomes a final order or judgment, it is enforceable on a statewide basis and any animal control officer will have the authority to enforce it.

Violation and Penalty. Any owner or keeper of an animal subject to a final order or judgment who fails to comply with the order or judgment is guilty of a class D misdemeanor, which is punishable by up to 30 days in prison, a fine of up to $250, or both.

Appeal to the Superior Court. Any person aggrieved by an order issued by the DoAg commissioner or an animal control officer may appeal to the Superior Court of the judicial district where he or she lives, but the appeal must be made within 15 days after the order was issued.

Damage to Other Animals

Poultry, Ratite, Domestic Rabbit, Animal or Livestock. Under the bill, a person who sustains damage or physical injury to his or her poultry, ratite, domestic rabbit, animal, or livestock, by a biting or attacking dog must make complaint about the circumstances of the bite or attack to the animal control officer for the town where the bite or attack occurred. As under existing law, the officer who receives the complaint must immediately investigate it.

Factors to Consider. If after investigation, the animal control officer determines that an animal has in fact been bitten or attacked by a dog, the animal control officer may make any order about the restraint or disposal of the dog needed to protect public health and safety and the health and safety of animals.

In determining the type of order to be issued or conditions of restraint to be imposed, the animal control officer must consider factors that include:

1. the owner's or keeper's ability to control the dog;
2. the severity of injury inflicted by the dog;
3. the viciousness of the bite or attack;
4. any history of past bites or attacks by the dog;
5. whether the bite or attack occurred at a location that is off of the property of the owner or keeper of the biting or attacking dog, as long as the animal attacked was under the control of its owner or keeper or on its owner's or keeper's property;
6. whether the dog was provoked; and

7. whether the dog was protecting its owner or keeper from physical harm.

Military Animals and Service Animals

The bill creates the following exemptions for military animals and service animals.

Military. Any dog or other animal owned by the U.S. military or a federal, state, or local law enforcement agency is exempt from the bill's dog bite provisions when it is (1) owned by or in the custody and control of the agency; (2) under the direct supervision, care, and control of an assigned handler; (3) currently vaccinated for rabies; and (4) subject to routine veterinary care.

Service Animals. Any service animal owned by or in the custody and control of a person with a disability is exempt from the bill's dog bite provisions when it is (1) under the direct supervision, care, and control of the person with a disability; (2) currently vaccinated for rabies; and (3) subject to routine veterinary care.

Under the bill, a (1) "disability" is a physical, intellectual, mental, or learning disability, or any combination of them, and (2) "service animal" is the same as under federal law (generally, a dog that is trained to work or perform tasks to benefit someone with a disability, including a service animal in training).

Background — Related Bills

HB 5257 (File 438), favorably reported by the Judiciary Committee, makes a dog's owner or keeper jointly and severally liable for any damage the dog causes to a person's body or property. Therefore, under the bill, both the owner and keeper may be found liable.

sHB 5288 (File 190), favorably reported by the Judiciary Committee, generally changes an exemption from restraint or disposal orders so that it applies to service animals instead of guide dogs.

EFFECTIVE DATE: October 1, 2024

§ 30 — JUDGEMENT LIENS AND THE FORECLOSURE MEDIATION PROGRAM

Requires a judgement creditor to inform the judgement debtor about the foreclosure mediation program and gives the judgment debtor the option to participate in the program

Stay of Execution Alleging Default on a Consumer Judgment

By law, a judgment lien on real property may be foreclosed or redeemed in the same way as mortgages on the same property. For a consumer judgment, the complaint must indicate whether the court has entered a stay of execution and, if so, must allege any default on an installment payment order that is a precondition to foreclosure.

Notification of the Mediation Program

The bill further requires the judgment creditor to notify the judgment debtor about the Ezequiel Santiago Foreclosure Mediation Program (see below) by attaching the following, in the form the chief court administrator prescribes, to the front of the writ, summons, and complaint served on the judgment debtor:

1. a copy of the notice of foreclosure mediation,

2. a copy of the foreclosure mediation certificate form, and

3. a blank appearance form.

Under the bill, the notice of foreclosure mediation must instruct the judgment debtor to file the appearance and foreclosure mediation certificate forms with the court within 15 days from the return date for the foreclosure action.

Participation in the Mediation Program

Under the bill, if the judgment debtor chooses to participate in, and the court orders the case assigned to, the foreclosure mediation program, the:

1. judgment debtor must be entitled to the rights and assume the obligations of a mortgagor under the mediation program and

2. judgment creditor must be entitled to the rights and assume the obligations of a mortgagee under the program, except that the

judgment creditor is not required to give the mortgage-specific information described in state statute, but instead must furnish a copy of the underlying judgment and an accounting of current interest and other charges incurred for the time period prescribed in state statute.

EFFECTIVE DATE: October 1, 2024

Background — The Foreclosure Mediation Program

The state's foreclosure mediation program aims to help certain borrowers and lenders reach an agreed-upon resolution of a mortgage foreclosure action by having state judicial branch employees work as mediators. It is not mandatory for borrowers, but if an eligible person files a court appearance and requests mediation, the lender must participate. The legislature established the program in 2008 and it currently runs until June 30, 2029, after which the court may not accept new requests. Under existing law, the program ends when the mediation of all timely submitted requests concludes (CGS § 49-31k et seq.).

§§ 31, 34, 35 & 38 — TECHNICAL AND CONFORMING CHANGES AND REPEALERS

Makes technical and conforming changes and repeals obsolete provisions

The bill makes technical and conforming changes and repeals obsolete provisions. Specifically, it removes obsolete:

1. references to the Freedom of Information Act (FOIA) in a provision that addresses what court has jurisdiction over certain matters (§ 34);

2. provisions on the rules of the court (§ 35);

3. provisions that require Superior Court judges to determine when the clerk's offices are open for business (§ 38), and makes a technical and conforming change because of this repeal (§ 31); and

4. provisions that authorize each criminal session to hear civil

matters after concluding criminal business or during a recess of the court (§ 38).

EFFECTIVE DATE: July 1, 2024, except October 1, 2024, for the provision eliminating the obsolete FOIA references.

§§ 32 & 33 — COURTS WITH JURISDICTION OVER FOIA-RELATED MATTERS

Allows FOIA-related matters to be brought before the court in the judicial district where the subject public agency is located, instead of in the New Britain Superior Court

By law the Freedom of Information Commission (FOIC) must, subject to FOIA, promptly review an alleged FOIA violation and issue an order on the violation. The commission may investigate alleged violations, hold related hearings, and examine and subpoena witnesses, among other things.

Under existing law, if someone refuses to comply with the subpoena or to testify to any matter on which he or she may be lawfully interrogated, FOIC may apply to the court for an order requiring the person to comply. The bill allows FOIC to apply to the Superior Court in the judicial district where the subject public agency is located, instead of the New Britain Judicial District as under current law.

The bill also makes corresponding changes in statutes that address the court's jurisdiction over other FOIA-related matters that may be brought before the court. Under these statutes, for example:

1. the commission may apply to the court to issue an order requiring someone to pay a particular penalty if they have failed to do so,

2. an aggrieved party may petition the court for an order requiring the commission to hear the party's appeal, and

3. an aggrieved party may petition the court to reverse the commission's decision to provide relief to an agency regarding a vexatious requester.

In these additional FOIA-related matters the petitions may be

submitted to the court in the judicial district where the public agency is located rather than the New Britain judicial district, as under current law.

EFFECTIVE DATE: October 1, 2024

§ 36 — PREJUDGMENT REMEDY

Makes a prejudgment remedy unavailable for information compelling certain professionals to disclose client information in violation of the law or their license

By law, a "prejudgment remedy" is a remedy or combination of remedies that enables a person by way of attachment, foreign attachment, garnishment, or replevin to deprive the defendant in a civil action of, or affect the use, possession, or enjoyment by the defendant of, his or her property prior to final judgment, but excludes a temporary restraining order (CGS § 52-278a).

Under existing law, regardless of any statute to the contrary, prejudgment remedy is not available to anyone in any action at law or equity:

1. unless the person has complied with the prejudgment remedy provisions, except an action over a commercial transaction in which the defendant has waived the right to a notice and hearing, or

2. for the garnishment of earnings (i.e., any debt accruing by reason of personal services, including any compensation payable by an employer to an employee for the personal services, whether they are called wages, salary, commission, bonus, or otherwise).

Under the bill, prejudgment remedy is also not available for information compelling disclosure of the names and addresses of the clients of an individual or entity that provides professional services (see below), when the disclosure would violate state or federal law, or the applicable rules of professional conduct governing the profession.

Professional Services

Under the law and the bill, "professional services" are any type of

service to the public that requires members of a profession rendering the service to first obtain a license or other legal authorization, including, the professional services of architects and professional engineers (individually or jointly), landscape architects, certified public accountants and public accountants, land surveyors, attorneys-at-law, psychologists, licensed marital and family therapists, licensed professional counselors and licensed clinical social workers, dentists, naturopaths, chiropractors, physicians and surgeons, physician assistants, doctors of dentistry, physical therapists, occupational therapists, podiatrists, optometrists, nurses, nurse-midwives, veterinarians, pharmacists, real estate brokers, and insurance producers (CGS §§ 4e-1(20) & 33-182a(1)).

EFFECTIVE DATE: October 1, 2024

§ 37 — CIVIL PROCESS

Allows civil process to be made returnable to the judicial district where either or both the plaintiff or the defendant has an office or place of business in Connecticut

Under current law, with certain exceptions, if either or both the plaintiff or the defendant in the case are Connecticut residents, civil process must be made returnable to the judicial district where either the plaintiff or the defendant resides. The bill expands this to include consideration of whether either or both has an office or place of business in Connecticut, in which case, civil process must be made returnable to the judicial district where either resides or has an office or place of business.

The bill makes a conforming change to the exceptions specified under current law that give the plaintiff the option of where the action may be returnable if either or both the plaintiff or the defendant live in certain towns or, under the bill, has an office or place of business, as shown in the table below.

Table: Plaintiff's Option of Judicial District

Town of Residence or, Under the Bill, Location of Office or Place of Business	*Judicial District (Plaintiff's Option)*
Manchester, East Windsor, South Windsor, or Enfield	Hartford or Tolland
Plymouth	New Britain or Waterbury
Bethany, Milford, West Haven or Woodbridge	New Haven or Anthonia-Milford
Southbury	Anthonia-Milford or Waterbury
Darien, Greenwich, New Canaan, Norwalk, Stamford, Weston, Westport, or Wilton	Stamford-Norwalk or Bridgeport
Watertown or Woodbury	Waterbury or Litchfield
Avon, Canton, Farmington, or Simsbury	Hartford or New Britain
Newington, Rocky Hill, or Wethersfield	Hartford or New Britain (except for actions where venue is in the Superior Court geographical area as provided in law or in court rules)
Cromwell	Hartford or Middlesex
New Milford	Danbury or Litchfield
Windham or Ashford	Windham or Tolland

EFFECTIVE DATE: July 1, 2024

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute
Yea 34 Nay 2 (03/28/2024)