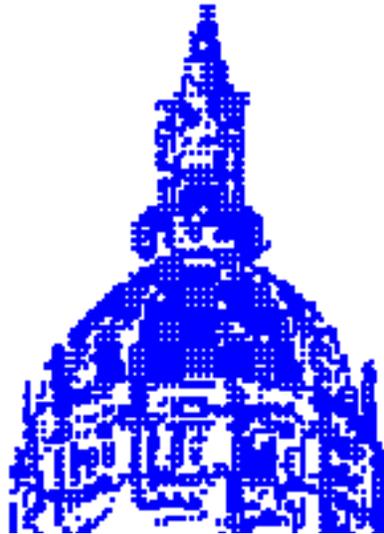


2001
ACTS AFFECTING

CRIME

Office of Legislative Research



Prepared for members of the

Connecticut General Assembly

by

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NOTICE TO READERS

This report provides brief highlights of the 2001 public and special acts affecting crime. Not all provisions of the acts are included. Readers are encouraged to read the full text of acts that interest them online (<http://www.cga.state.ct.us/default.asp>) or request paper copies from the Connecticut State Library or the House Clerk's office. Complete summaries of all public acts passed during the 2001 regular and special session will be available in early fall when OLR's Public Act Summary book is published. Draft copies of most are now available on OLR's website: <http://www.cga.state.ct.us/olr>.

Highlights of the Revised FY 02-03 Budget is available from the Office of Fiscal Analysis (<http://cgalites/ofa/Documents/BudgetHighlights6-29-01.pdf>).

All acts summarized here are effective October 1, 2001, unless otherwise noted.

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ACCESS TO CRIMINAL RECORDS

Criminal History Records Checks

A new law establishes a generic criminal records check procedure, applying it to, and replacing prior requirements for, checks of:

1. public school job applicants;
2. prospective Division of Special Revenue (DSR) employees and racetrack, fronton, pari-mutuel, casino, and lottery corporation license applicants;
3. school bus driver endorsement applicants;
4. certain child care personnel;
5. job applicants for Correction Department positions that involve direct contact with inmates;
6. pawnbroker and precious metals dealer license applicants (checks are at the discretion of local police chiefs or first selectmen);
7. Department of Environmental Protection permit, registration, certificate, or other license applicants and proposed transferees (checks are

- at the department's discretion);
8. hand gun permit and eligibility certificate applicants;
9. bail bondsman, surety bail bond agent, and bail enforcement agent license applicants;
10. private detective and investigator and watchman, guard, and patrol service license applicants; and
11. applicants for licenses to store, transport, or use explosives.

It also adds requirements for checks of applicants for nursing home operator licenses, Connecticut Lottery Corporation contractors, and some Parole Board jobs and eliminates them for people caring for children at retail "drop in" facilities.

(PA 01-175, effective on passage, except for the school employee provision, which is effective October 1, 2001)

Judicial Department Records

Judicial Department contractors, instead of employees only, will soon gain access to the department's records. The new law allows employees, contractors, and agents to disclose information contained in these records (including erased records) to the extent necessary to perform their duties.

(PA 01-186)

Sex Offender Registry

A new law expressly authorizes courts to order DPS to restrict dissemination of sex offender registry information (including conviction records) to law enforcement purposes only. The Office of Victim Services, DOC, and the victim must be notified when an offender requests limited dissemination, and the court must consider information the victim provides before making its decision. By law, only some offenders are eligible, and judges can't restrict registry information if they find that it would threaten public safety.

(PA 01-211)

CIVIL DISABILITIES FOR CERTAIN FELONS

Murderers

A new law expands the prohibition against child visitation to all parents convicted of murder. Prior law was limited to parents who murdered the child's other parent. As under prior law, visitation is permissible if the child is old enough to consent to it.

(PA 01-211)

Sex Offenders

The consumer protection commissioner is permitted, under a new law, to refuse to issue or renew home

improvement contractor or salesman registrations of people required to register as sex offenders. Similarly, the Home Inspection Licensing Board may refuse to issue or renew offenders' home inspector licenses or intern permits.

(PA 01-155)

COURT-APPOINTED EXPERTS

Indemnification of Health Care Guardians

The state must indemnify and pay the legal bills of court-appointed health care guardians to the same extent and under the same conditions as state officers and employees. (These are licensed providers with specialized training in treating people with psychiatric disabilities who judges appoint to represent the health care interests of mentally ill criminal defendants when considering whether to order involuntary medication to restore their competency.) The new law requires the attorney general to defend health care guardians in any civil action or proceeding, unless he decides, based on his investigation, that it would be inappropriate and gives them written notification.

(PA 01-41)

CRIME PREVENTION

State Prevention Council

Under a new law, representatives of seven state agencies and the Judicial Department will serve on a state prevention council and develop a plan to (1) create a prevention framework for the state, (2) recommend a comprehensive statewide prevention plan, (3) better coordinate existing and future state agency spending on prevention, and (4) increase fiscal accountability. It defines “prevention” as policies and programs that promote healthy, safe, and productive lives and reduce the likelihood of crime, violence, substance abuse, illness, academic failure, and other socially destructive behaviors.

The council, comprised of the OPM secretary; DSS, DCF, DPH, DMHAS, SDE, and DMR commissioners; and the chief court administrator, or their designees, must submit periodic reports and recommendations to OPM and the legislature. The law also requires the governor to include a prevention report in his budget for the biennium beginning July 1, 2003.

(PA 01-121, effective July 1, 2001)

CRIME VICTIMS

Advisement of Constitutional Rights

Superior Court judges will soon be advising crime victims with cases pending before the court of so-called "crime victims' constitutional rights" daily at the start of arraignment. These rights are enumerated in Article 29 of the state constitution. The new law specifies that the advisement is to ensure that victims coming before the court know their rights.

(PA 01-35)

Access to Proceedings and Remedies

A new law gives crime victims greater access to the criminal justice system by:

1. requiring the Office of Victim Services (OVS) and the DOC to notify crime victims who ask (a) when a sexual offender asks to be exempt from sexual offender registration or to restrict public dissemination of his registration information and (b) when an inmate requests a sentence reduction or review or early release;
2. permitting all victims, instead of just victims of class A, B, and C felonies and certain other specified crimes, to

- appear and make a statement before the court, Board of Pardons, or Board of Parole;
3. requiring, rather than allowing, courts to impose financial restitution as a part of the sentence of offenders convicted of a crime involving injury to another person or damage to or loss of property;
4. authorizing the victim advocate to file a limited special appearance to advocate for all of the legal rights of crime victims, instead of just six of the 10 rights delineated in the state constitution's amendment on crime victims' rights and waiving various court filing fees for the Office of the Victim Advocate;
5. allowing a victim compensation commissioner to order direct payments to a victim's health care providers;
6. authorizing a dead person's family to complain about a prosecutor's decision not to prosecute; and

7. staying, until after the criminal proceedings, certain civil actions a criminal defendant files against a crime victim.

(PA 01-211)

(See also “Victim Impact Panels” under “PROBATION” below)

CRIMES

Damaging Electronic Monitoring Equipment

A new law makes it a class D felony to intentionally damage electronic monitoring equipment owned or leased by the state or its agents and required as a condition of community release. This is the same as the penalty for damaging such equipment when required as a condition of probation, conditional discharge, or pretrial release.

(PA 01-8)

Failure to Display Reflectorized License Plates

A 1999 law required DMV to issue fully reflectorized license plates for all new and renewal registrations it issues on and after January 1, 2000. DMV has been issuing the replacement plates for renewals since September 2000 but the law did not explicitly require recipients to use them to replace the partially reflectorized “white-on-blue”

plates. The law now requires this, and makes violations an infraction.

(PA 01-24)

Assaulting Prosecutors

People who assault prosecutors to intimidate, harass, or retaliate against them for doing their jobs can now be charged with a class C felony instead of a class A misdemeanor. Like the crime of assault on public safety and emergency medical personnel, the assault must cause physical injury.

(PA 01-25)

Airbag Fraud

People who knowingly install any object instead of an airbag designed according to federal safety requirements may be prosecuted for air bag fraud. The new law's penalties vary from a class C misdemeanor to a class B felony, depending on the airbag's cost.

(PA 01-36)

Possessing Weapons and Armor-Piercing Bullets

A new law expands the definition of "assault weapons" to include semiautomatic firearms with certain characteristics, generally making it a crime to possess any made after September 12, 1994 with those characteristics. It also requires people who become subject to family violence restraining orders

to surrender more types of guns. Finally, with some exceptions, it bans and imposes criminal penalties for possessing, transporting, selling, or giving others .50-caliber armor-piercing and incendiary bullets.

(PA 01-130)

Illegal Burning

Anyone who kindles an open fire without permission from state or local officials may now be fined up to \$200, imprisoned for up to six months, or both. Previously, only fires causing injuries or property damage could result in these penalties. The new law also imposes the same penalties on people who burn materials when state or local laws prohibit their burning.

(PA 01-150)

False Statements in Quasi-Public Agency Documents

People who lie in order to get financial assistance from quasi-public agencies can now be put in jail or fined under a new law that requires them to sign under penalty of false statement applications and other documents the agencies use to make their decisions. The penalty is imprisonment for up to one year, a maximum \$2,000 fine, or both.

(PA 01-184)

False Statements to Get Rent or Circuit-Breaker Rebates

Another law eliminates the potential one-year prison term for making false statements to get a rent or utility rebate under the state's program for elderly and disabled renters. It leaves the maximum fine (up to \$500) unchanged.

(PA 01-6 (JSS), effective July 1, 2001)

Municipal Officials' Liability for Illegally Discharging Gasoline

Municipal officers, rather than municipalities, can now be fined or imprisoned for illegally discharging gasoline into state waters willfully or with criminal negligence. The penalty is up to \$50,000 per day for each violation, up to three years in prison, or both. Subsequent convictions carry a fine of up to \$100,000 per day for each violation, up to 10 years in prison, or both.

(PA 01-195, effective upon passage)

CRIMINAL JUSTICE AGENCIES

Traffic Stop Data Reports and Review

By law, state and local police departments must collect data on the race, color, ethnicity, gender, and age of drivers they stop and the offenses and dispositions

involved. A new law requires them to submit, by October 1, 2002, one more annual summary of this data to the chief state's attorney. Under prior law, their obligation to provide summaries ended with their October 1, 2001 submission.

The law also extends, from January 1, 2002 to January 1, 2003, the chief state's attorney's obligation (within appropriations) to review the prevalence and disposition of traffic stops and reported complaints.

A portion of the money generated from state marshal fees may be used to fund the reports; see "***State Marshals***" under "**SHERIFFS AND MARSHALS**" below.

(PA 01-9 (JSS), effective July 1, 2001)

Report on Parole Denials

A new law requires the Parole Board, by January 15, 2002, to report the number of prisoners eligible for parole after serving 50% of their sentence in prison (generally those who committed offenses without using violence) and who, by January 1, 2002, have completed 75% of their sentence and have not been approved for parole.

By February 15, 2002, and by the 15th of each subsequent month, the board must report the number of eligible prisoners who completed 75% of their sentence in the preceding month and were not approved for parole release.

The board must send these reports to the Office of Policy and Management (OPM) secretary and the Judiciary, Public Safety, and Appropriations committees.

(PA 01-9 (JSS), effective July 1, 2001)

Firearms Evidence Databank

DPS must establish a firearms evidence databank to store data collected from test firing handguns under a new law. It will include test firings from guns that come into police custody and those the departments issue to their officers.

The databank is a computer-based system that scans and stores images of handgun test fires (“gun fingerprints”) so they can be retrieved and compared to other test fire images and other evidence in a case. DPS may (1) use the database to search for matching gun fingerprints, (2) share databank information with in-state and out-of-state law enforcement agencies, and (3) participate in a national firearms evidence databank program.

(PA 01-130)

Creation Of Single Gun Permit System

Under prior law, anyone wanting to carry handguns had to get a local (town) permit. The local permit allowed him to carry the gun in that town. A separate DPS (state) permit was required to carry the gun statewide. Both permits were valid for five years, but as long as the state permit

remained valid, the local permit did not have to be renewed.

A new law establishes a two-step, one-permit system by (1) eliminating the local permit—terminating renewals on October 1, 2001—and (2) requiring anyone wanting to carry handguns to get the DPS state permit. It uses the same officials and maintains many of the elements of the prior system. Local officials will issue a nonrenewable, 60-day temporary state permit, which is a prerequisite for the five-year state permit that DPS issues. The temporary state permit, unlike the prior local permit, will be valid statewide.

(PA 01-130)

Confidentiality of Residential Addresses

A new law prohibits a public agency from disclosing, under the Freedom of Information Act, the residential address of a Public Defender Services Division social worker or Judicial Department employee.

(PA 01-186)

CRIMINAL PENALTIES

Accelerated Rehabilitation (AR)

Some people accused of first-degree larceny may get AR under a new law permitting judges to grant this as long as the crime did not involve the use or threat

of physical force against a person. Ordinarily, people accused of class B felonies, including first-degree larceny, are ineligible for this prison diversion program.

(PA 01-16)

Home Invasions and Peeping Toms

A new law enhances existing penalties for home invasions and peeping toms. People who unlawfully enter occupied dwellings intending to commit a crime can now be charged with second-degree burglary, a class C felony. Prior law covered nighttime entries only, but applied whether or not anyone was in the home. All daytime entries were third-degree offenses.

The law also makes it a class C misdemeanor, rather than an infraction, to trespass onto property to observe a person without his consent or knowledge who (1) is not in plain view and (2) has a reasonable expectation of privacy.

(PA 01-83)

Assaulting a Person with Mental Retardation

A new law establishes a mandatory minimum penalty when a non-retarded person commits second-degree larceny by taking money or property away from a person with retardation. Under prior law, this was a class C felony. The act instead makes this offense a form

of second-degree assault on an elderly, blind, pregnant, disabled, or mentally retarded person — a class D felony requiring a prison sentence of at least two years. However, by reducing the penalty from a class C to a class D felony, the act also reduces the maximum sentence from 10 to five years.

(PA 01-84)

Non-Violent Drug Crimes

Judges are now permitted to impose less than the law's mandatory minimum sentence on some drug felons. They can do so when no one was hurt during the crime and the defendant (1) did not use or attempt or threaten to use physical force; (2) was unarmed; and (3) did not use, threaten to use, or suggest that he had a deadly weapon (such as a gun or knife) or other instrument that could cause death or serious injury.

Defendants must show good cause and can invoke the act's provisions only once. Judges must state at sentencing hearings their reasons for (1) imposing the sentence and (2) departing from the mandatory minimum.

The new law covers:

1. manufacture or sale of drugs and related crimes by a person who is not drug-dependent;
2. manufacture or sale of drugs within 1,500 feet of elementary or high schools, public housing, or day care centers;

3. use, possession, or delivery of drug paraphernalia within 1,500 feet of a school by a non-student; and
4. drug possession within 1,500 feet of a school.

(PA 01-99, effective July 1, 2001)

Death Penalty Changes

The legislature made several changes in the death penalty statute this session by:

1. adding as an aggravating factor that the jury or judge considers when deciding whether to sentence a person to death or life imprisonment, that the defendant murdered a law enforcement officer or certain other people in certain circumstances;
2. prohibiting a death sentence for defendants with mental retardation;
3. creating a Commission on the Death Penalty to study the imposition of the death penalty in Connecticut; and
4. changing the scope of the capital felony statute by (a) including murder of an on-duty conservation or special conservation officer and (b) eliminating the illegal sale of cocaine, heroin,

or methadone for financial gain to a person who dies as a direct result of using the drug.

(PA 01-151, effective July 1, 2001)

Obstructing Emergency Vehicles

The legislature quadrupled the maximum fine, from \$50 to \$200, for willfully or negligently obstructing or impeding an emergency vehicle responding to an emergency. The maximum possible prison term remains at seven days.

(PA 01-192)

CRIMINAL PROCEDURE

Motor Vehicle Case Venues

The chief court administrator may establish motor vehicle courts under a new law that allows him to assign presentments of defendants in motor vehicle matters to Superior Courts outside the geographic area where the incident occurred. These cases involve violations of the criminal motor vehicle laws and serious infractions.

(PA 01-9 (JSS), effective July 1, 2001)

Conditional “No Contest” Pleas

Judges will soon be allowed to accept conditional “nolo contendere” (no contest) pleas in

more criminal cases. A new law allows a defendant to enter a conditional plea and appeal immediately when the judge (1) denies a motion to suppress evidence or to dismiss charges and (2) determines that this ruling controls the outcome of the case. Previously, defendants could do this only when the judge denied motions to (1) dismiss or (2) suppress evidence the defendant claimed was unconstitutionally obtained.

(PA 01-13)

Search Warrants and other Criminal Process

Judge trial referees (state court judges appointed referees after reaching the mandatory retirement age of 70) will soon be able to issue search warrants. If designated by the chief justice, the new law also gives them the same authority as Superior Court judges in criminal cases to administer justice and issue criminal process, including (1) arrest warrants, (2) subpoenas, and (3) orders to take into custody people who fail to appear in court.

(PA 01-72)

Custody and Evidentiary Rules for Seized Cash and Stolen Cars

A new law eliminates law enforcement agencies' authority to deposit seized cash in a safe deposit box in a state bank. Instead, they must keep or

return seized, stolen cash, following existing procedures governing seized property; and follow new procedures for keeping, banking, or returning seized cash that was not stolen.

The law applies the same trial rules to the cash that currently apply to seized, stolen property returned to its owner. Under these rules, (1) courts must admit the identity, description, or value of the cash as secondary evidence (i.e., in lieu of the actual cash) in criminal trials and (2) defendants may attack the weight of the evidence, but not its admissibility, by showing that it is secondary. The law also requires courts to admit a picture of a recovered stolen motor vehicle and a sworn affidavit attesting to its identification number as sufficient evidence of its identity.

(PA 01-104)

Bail Bonds

A new law requires that a bail bond be automatically terminated and released when (a) a criminal defendant is admitted to the pretrial school violence program or (b) the court suspends the prosecution of someone in any case involving handgun transfers to prohibited people or a violation of the transfer procedures, if it finds the violation is not serious, the accused will probably not offend again, and he has not previously violated the law.

Another provision applies the bail bond surety forfeiture rules to bonds posted by someone other than a bail bondsman.

(PA 01-186)

Seized Property

Law enforcement authorities will soon have specific timeframes for complying with court orders to return seized property to owners or to otherwise dispose of it. The new law also gives them more time to file court papers indicating their compliance.

(PA 01-186)

PRISONS AND PRISONERS

Bond Authorizations and Funding

Under this year's bonding act, DOC has up to \$50 million in bond authorizations for FY 02 to renovate and improve existing state-owned buildings for inmate housing, programming, staff training, and additional inmate capacity. This includes support facilities, off-site improvements, and acquisition of land and development costs for the community justice center.

(SA 01-2 (JSS), effective July 1, 2001)

The budget act includes \$1,844,270 for DOC operations expansion in the second year of the budget. And it includes \$5 million in FY 03 for DOC to

develop a 500-bed community justice center. The center will treat and manage a wide range of offenders who are referred from the criminal justice system.

The act also includes \$2.6 million in FY 02 and \$4.2 million in FY 03 in DMR funding for cooperative placements for people coming out of the correctional, mental health, and judicial systems who DMR becomes responsible for.

(SA 01-1 (JSS), effective July 1, 2001)

Mental Health Strategic Investment Fund

A new law creates a community Mental Health Strategic Investment Fund in DMHAS as a source of assistance for clinical and nonclinical community mental health services, related mental health services, and supportive housing for people with mental illness, including offenders supervised in the community by executive and judicial branch agencies. The fund is set up as an account in the General Fund. It is separate from all other funds, its investment earnings are credited to it, and it does not lapse.

(PA 01-8 (JSS), effective July 1, 2001)

The budget act includes \$25 million in FY 01 surplus funds to establish the fund and an additional \$15 million to develop

supportive housing for individuals with behavioral health needs.

(**SA 01-1 (JSS)**, effective July 1, 2001)

DOC Ombudsman

A new law requires the DOC commissioner, within available appropriations, to contract for ombudsman services. Services include (1) receiving complaints from DOC inmates (including those housed in other states) regarding DOC decisions, actions, omissions, policies, procedures, rules and regulations; (2) investigating complaints, making decisions on the merits, and communicating decisions to inmates; (3) recommending resolutions of complaints found to have merit; (4) recommending policy changes to the DOC; and (5) publishing a quarterly report.

The law also includes confidentiality provisions and specifies situations when the ombudsman must disclose safety or security threats.

(**PA 01-9 (JSS)**, effective July 1, 2001)

Returning Unused Drugs

State correctional institutions must return specified unused drugs to pharmacies for re-dispensing and DOC reimbursement under a new law intended to reduce the department's pharmacy costs. (Retail pharmacies that distribute these drugs to nursing homes are

already required to accept returns and reimburse DSS for these products.) It requires DOC to establish procedures for returning the drugs and requires DCP, in consultation with DOC, to adopt regulations governing the repackaging and labeling of returned drug products.

(**PA 01-9 (JSS)**, effective July 1, 2001)

Alternative Incarceration Center

A new law authorizes the Judicial Department, within available appropriations, to establish an alternative incarceration center in the New Haven Judicial District. In addition to the programs and services offered by alternative incarceration centers, this center must provide a residential and day reporting program for accused and convicted people with mental health needs. It must also provide, within appropriations, a full range of mental health services for program participants. A clinical coordinator must (1) work with the center's director to facilitate timely access to appropriate services and (2) develop a network of community, social, and vocational rehabilitation support to enhance successful program participation and long-term community integration.

(**PA 01-9 (JSS)**, effective July 1, 2001)

Standardized Mental Health Risk Assessment

By February 6, 2002, DMHAS must, within available appropriations and in conjunction with the Parole Board and DOC, make recommendations to the Judiciary and Public Health committees on developing and implementing a standardized risk assessment procedure for prisoners with mental health needs who are eligible for parole or other community release programs. DMHAS can consult with representatives of public and private higher learning institutions.

(PA 01-9 (JSS), effective July 1, 2001)

Uniform Definition for Correctional Facilities

A new law establishes a uniform definition for a "correctional institution," "state prison," "community correctional center," and "jail" thereby eliminating different categories of correctional facilities. The terms mean a correctional facility administered by the DOC commissioner. It also updates the names in the statutory list of DOC facilities.

(PA 01-20)

Credit for Time Served

People sentenced for offenses on or after October 1, 2001 will get credit for time spent in a police station or courthouse

lockup because they could not obtain or were denied bail. And prisoners serving sentences in correctional facilities on October 1, 2001 will get a one-day credit unless a court orders otherwise. (People serving sentences for a first conviction of driving under the influence of alcohol or drugs (DUI) cannot use these credits to reduce their sentences below the mandatory minimum of 48 consecutive hours in prison.)

People already receive credit for time presentence confinements in community correctional institutions under a mittimus or because they could not obtain or were held without bail.

(PA 01-78)

Reimbursing Incarceration Costs

It may be easier for the state to recoup incarceration costs under a new law that allows it to collect from inmates' estates or from money or property they acquire through lawsuits or inheritance. The state's claim becomes a lien against lawsuit or inheritance proceeds, allowing it to collect up to the total cost of incarceration or 50% of the property or money obtained, whichever is less. In most cases, the state's lien gets priority over other creditors' claims.

(PA 01-129, effective upon passage)

Dangerous DMR Clients

A new law requires the DMR commissioner to adopt regulations to establish and implement a policy for placing and caring for clients it determines pose a serious threat to others. (This group includes, among others, people with mental retardation acquitted of violent crimes because of a mental disease or defect and those the authorities decline to prosecute.)

The regulations must include criteria and factors to be considered in (1) evaluating and placing these clients; (2) siting residential facilities for them; (3) giving notice, if any, to the community in which they will be placed; (4) determining appropriate levels of security and supervision; and (5) providing appropriate programs and quality of life within the least restrictive environment.

(PA 01-154)

PROBATION

Voting Rights Restoration

With one exception, a new law enables felons on probation to vote and run for public office. It does so by limiting a person's disenfranchisement to the period during which he is committed to (1) DOC confinement in a correctional institution, facility, or community residence or placed on parole; (2) a federal

prison; or (3) the custody of the chief correctional official of another state or county of another state. A person who is released from prison after serving time for an elections-related felony cannot get his rights back until he is discharged from parole or probation.

The law requires the DOC commissioner, instead of the Judicial Department, to send the secretary of the state lists of felons whose voting rights should be forfeited and those eligible to have their rights restored. It establishes a new procedure for restoring the voting rights of felons who were confined to the commissioner's custody.

It requires the Office of Adult Probation to use available appropriations to inform people on probation on January 1, 2002 of their right to become voters and of the new restoration procedures.

(PA 01-11, effective January 1, 2002)

Victim Impact Panels

This new law authorizes courts to order people convicted of DUI to participate in a victim impact program as a condition of probation or participation in the pretrial alcohol education program. If ordered by the court, potential participants in the pretrial alcohol education program must agree to participate in at least one victim impact program.

The victim impact program must provide a

nonconfrontational forum for offenders and victims of drug- and alcohol-related offenses to share the impact offenses have had on their lives. It must be (1) approved by the Judicial Department's Court Support Services Division and (2) conducted by a nonprofit organization that advocates on behalf of DUI accident victims. The organization can charge a program fee of up to \$25 for court-ordered participants.

(PA 01-201)

SHERIFFS AND MARSHALS

High Sheriffs

Beginning July 1, 2001, county sheriffs' salaries fell to \$1 per year. Previously, they made either \$35,000 or \$37,000, depending on the county.

The new law also gives the high sheriffs until October 1, 2001 to apply to the State Marshal Commission to become state marshals. They must resign as high sheriff by the time they are appointed and, as required for all state marshals, cannot be a state marshal and state employee at the same time. The commission can appoint them regardless of statutory limits on the number of state marshals in each county.

(PA 01-9 (JSS) effective July 1, 2001)

State Marshals

The legislature passed several provisions regulating state marshals. One new law requires the State Marshal Commission, which fills marshal position vacancies, to:

1. consult with the State Marshals Advisory Board when establishing professional standards;
2. adopt regulations regarding these standards and marshal application and investigation requirements;
3. equitably assign the service of restraining orders to state marshals in each county and ensure that the orders are served expeditiously;
4. appoint as state marshals individuals who (a) were deputy sheriffs or special deputy sheriffs on or after May 31, 1995, (b) served in those positions for at least four years, (c) apply by July 31, 2001, and (d) submitted an initial application on or before June 30, 2000.

It moves the commission to the Department of Administrative Services for administrative purposes only. Previously, the commission had been an autonomous body within the Judicial Department.

It also creates a separate, nonlapsing state marshal account in the General Fund and requires state marshals to pay a \$250 fee into it each year. The first \$250,000 collected each fiscal year is credited to the marshal account for the commission's operating expenses.

For FY 02, the next \$110,000 collected must be transferred to the Judicial Department for the operating expenses of the Commission on Racial and Ethnic Disparity. The next \$230,000 is transferred to OPM to fund the traffic stop data report (see "**Traffic Stop Data Reports and Reviews**," above, at "**CRIMINAL JUSTICE AGENCIES**").

(PA 01-9 (JSS), effective July 1, 2001)

Courthouse Security

By law, the Judicial Department is responsible for courthouse security. The department must employ judicial marshals to perform this function and establish standards and training to ensure court security.

A new provision in law specifies that "courthouse security" and "court security" include providing security services to any judicial or state agency facility under a written agreement when (1) the facility is next to a courthouse and (2) the chief court administrator determines that the security requirements of the facilities are

mutual and best served by the judicial marshals' security services based on the facilities' proximity and design.

(PA 01-9 (JSS), effective July 1, 2001)

Conforming Changes

Another new law makes many changes to conform the Connecticut General Statutes to the constitutional amendment and conforming legislation eliminating sheriffs, deputy sheriffs, and special deputy sheriffs.

(PA 01-195, effective upon passage)

WITNESSES

A new law more than triples the mileage fees for material witnesses ordered by a court to attend and testify in criminal cases. It increases per-mile reimbursement rates from 10 cents to the amount established by the administrative services commissioner with the Office of Policy and Management secretary's approval (currently 34.5 cents).

(PA 01-186)

YOUTHS

Juvenile Justice Assessment

The budget act includes \$1.1 million in FY 02 and FY 03 for the Department of Children and

Families to support 10 new short-term staff secured residential treatment beds for delinquent clients who have violated the terms of their parole agreement.

(SA 01-1, (JSS) effective July 1, 2001)

Placement Accountability

Children state agencies place in residential facilities should be better protected under a new law that requires the placing agency to enter a written agreement with the facility that sets clear standards for the child's care and treatment. The standards must include monthly written reports on treatment goals, expectations, and progress. The agency must ensure that the facility starts discharge planning within two weeks after the child gets there. And the facility must report promptly to the agency any allegations of abuse or neglect concerning the child or any other child in the facility.

(PA 01-2 (JSS), effective July 1, 2001)

Girls' Residential Treatment Facility

The legislature authorized \$11 million more in bonds for DCF to use to build a residential treatment facility just for girls. This brings the total available for the project to \$20 million. Another act allows putting this project on a "fast track" for completion, exempting it from some state laws setting

environmental, energy, and contractor selection standards.

(SA 01-2 and PA 01-7 (JSS), effective July 1, 2001)

Permanency Plans for Delinquents

Beginning October 1, 2001, DCF will have to develop permanency plans and juvenile courts will have to review them yearly while a delinquent child is in DCF custody. The new law, which establishes the same plan preferences as currently apply to abused and neglected children, specifies that courts must (1) approve permanency plans that are in the child's best interest and consider his need for permanency and (2) determine at each hearing whether DCF has made reasonable efforts to achieve the permanency plan.

(PA 01-9 (JSS), effective July 1, 2001)

Lawful Gun Possession at School-Sponsored Activities

A new law makes it clear that it is not a crime to lawfully possess guns for use in school-sponsored activities. Ordinarily, it is illegal to have firearms or dangerous weapons on school property or at school-sponsored activities (those a board of education sponsors or authorizes, held on school property or elsewhere) unless licensed or privileged to do so. But people who lawfully possess guns on school property for use at a school-sponsored activity

(such as a school's rifle club) are exempt.

It was unclear under prior law whether people were exempt when the activity was held off-campus.

(PA 01-84, effective July 1, 2001)

Education Records

A new law tries to make sure that school personnel have the information they need to work with serious juvenile offenders who return after they have been in detention or residential placement. It requires DCF, the Judicial Department, school boards, and others that have educational records on such a child to provide them to the school superintendent before the child enters school. But their failure to do this cannot delay the child's enrollment. In turn the superintendent must give the records to the school principal who must share them with appropriate building staff.

(PA 01-176)

Gender-Specific Juvenile Offender Programs

Boys significantly outnumber girls in the juvenile justice system, and most of its programs are geared to the boys. A new law makes assuring that

programs for juvenile offenders are gender specific one of the goals of the state's juvenile justice system. It requires DCF and the Judicial Department's Office of Alternative Sanctions to ensure that their programs meet this requirement.

(PA 01-181)

Youthful Offender Status

A new law allows judges to grant Youthful Offender (YO) status to youths aged 16 and 17 who are charged with having consensual sexual intercourse or contact with a person aged 13 to 16. YO status allows the court to erase the criminal records of first-time offenders who successfully complete a court-imposed sentence, such as probation or community service.

A youth is ineligible if he committed a class A felony or sexual assault crime, was previously granted YO or accelerated rehabilitation, or was previously convicted of a felony or adjudged a serious juvenile offender or serious juvenile repeat offender.

(PA 01-211)

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