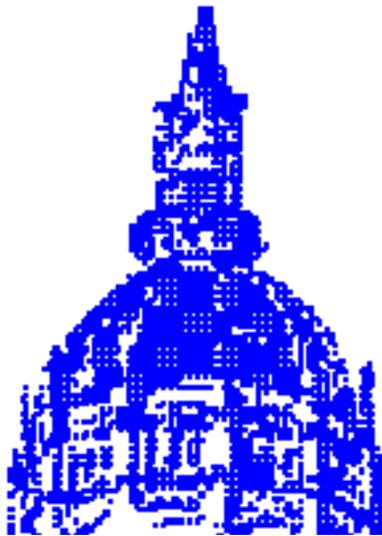


Office of Legislative Research
Connecticut General Assembly



OLR ACTS AFFECTING

CRIME



By:
Christopher Reinhart, Senior Attorney
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NOTICE TO READERS

This report provides highlights of new laws (public acts) affecting crime enacted during the 2006 regular legislative session. In each summary we indicate the public act (PA) number.

Not all provisions of the acts are included here. Complete summaries of all 2006 public acts passed will be available in the fall when OLR's *Public Act Summary* book is published; some are already on OLR's webpage: <http://www.cga.ct.gov/olr/>.

You may obtain the full text of acts from the Connecticut State Library, the House Clerk's Office, or the General Assembly's website: <http://www.cga.ct.gov/>.

TABLE OF CONTENTS

CRIMES	5
Human Trafficking Banned	5
Operating Motor Vehicles Under the Influence	5
Underage Drinking and House Parties	5
Sexual Assault Crimes Expanded.....	6
Electronic Mail Message Phishing	6
Operating Snowmobiles and All-Terrain Vehicles (ATVs) Under the Influence	7
Scanning Devices and Reencoders	7
Street Racing.....	7
Fake Air Bags	8
Governor—Revolving Door	8
Minors in the Workplace.....	8
Handling Mercury.....	8
Telephone Records.....	9
Sparklers and Fountains	10
Home Heating Oil and Propane Fuel Sales	11
Removal of Abandoned Sunken Vessels	11
Driving Schools	11
Failure to Return Rental Property	12
CRIME VICTIMS.....	12
Permission to Subpoena Crime Victims.....	12
Crime Victim Compensation	13
Victim Information and Notification System	13
State Marshals and Address Protection Program	13
CRIMINAL PROCEDURE.....	14
Sex Offender Registration	14
Shielding the Media from Subpoenas	14
Ignition Interlocks.....	15
Competency to Stand Trial.....	15
Various Changes to Court Operations.....	15
Recommitment of Certain Escapees and Confinement of Acquittes for Examination.....	16
LICENSING AND EMPLOYMENT.....	16
Provisional Pardons	16
Homemaker Companion Agencies	17
Private Occupational School Authorization.....	17
PLANNING AND STUDIES	18
Juvenile Jurisdiction Planning and Implementation Team.....	18
Sentencing Study	18

Criminal Justice Policy and Planning	18
POLICE AND CRIME PREVENTION	18
Cooperative Crime Control Task Force	18
Testing Drivers in Certain Motor Vehicle Accidents	19
Rearrest Warrants	19
Maintenance of Fingerprint Data	19
Liquor Permits and Investigations Regarding Inducing Minors to Procure Liquor	20
PRISONS AND PRISONERS	20
Restoration of Felons' Voting Rights	20
Education Programs	20
Habeas Corpus Petitions	20
Fine Reduction Credits	21
Prisons	21
OTHER PROVISIONS	21
Electronic Prescription Drug Monitoring Program	21
Needle and Syringe Exchange	22
Local Law Violations as Infractions	22
Motor Vehicle Violation Surcharge for Municipalities	22
Pharmaceutical Emergency Preparedness	22

CRIMES

Human Trafficking Banned

A new law creates the crime of trafficking in persons. This crime is a class B felony, punishable by up to 20 years in prison, a fine up to \$15,000, or both. It applies to those who coerce others into prostitution or work. It authorizes the state to charge traffickers with racketeering and to seize property related to the crime.

The new law allows people charged with prostitution to avoid conviction by proving that they were coerced by a trafficker. It also allows (1) the attorney general to sue employers who knowingly employ victims and (2) victims to sue traffickers for money damages.

(PA 06-43, effective July 1, 2006)

Operating Motor Vehicles Under the Influence

A new law expands the scope of the motor vehicle driving under the influence law by applying it to operating a motor vehicle anywhere. Under prior law, the law only applied to operating on public highways or roads, on private roads where the state traffic commission set a speed limit, in parking areas with 10 or more cars, or on school property. Thus, for example, the new law would apply to the

operator's driveway, yard, or other private property, or to private roadways through a condominium development.

(PA 06-147, effective October 1, 2006)

Under this new law, convictions for driving under the influence in a motor vehicle and operating a snowmobile or all-terrain vehicle under the influence are interchangeable and are all counted when determining the number of a person's prior convictions of operating under the influence.

Underage Drinking and House Parties

A new law makes it a crime for someone who possesses or controls private property, including a dwelling unit, to (1) knowingly permit a minor to illegally possess alcohol on the property or (2) fail to make reasonable efforts to stop alcohol possession there by a minor he knows possesses it illegally. A first offense is an infraction, and subsequent offenses carry up to one year in prison, a fine of up to \$500, or both.

The new law also makes it illegal for a minor to possess alcohol anywhere, rather than only in public places. It makes the first offense an infraction and imposes a fine of \$200 to \$500 for subsequent offenses. The latter was the penalty for illegal possession in public places.

(PA 06-112, effective October 1, 2006)

Sexual Assault Crimes Expanded

A new law makes it sexual assault for hypnotists to have sexual intercourse or contact with clients under the same circumstances that currently apply to others who perform or purport to perform psychotherapy.

This conduct is 2nd-degree sexual assault when it involves sexual intercourse:

1. with a client during a treatment session for a mental or emotional illness, symptom, or condition;
2. the hypnotist represents to be for legitimate treatment purposes; or
3. with a client or former client who is emotionally dependent on him.

By law, people convicted of this crime must comply with sex offender registration requirements for 10 years.

The new law also makes it 4th-degree sexual assault to have sexual contact with a client or former client under the circumstances listed above.

(PA 06-107, effective October 1, 2006)

Third-degree sexual assault is a class D felony (punishable by up to five years in prison, a fine of up to \$5,000, or both) or, if the victim is under age 16, a class C felony (punishable by up to 10

years in prison, a fine of up to \$10,000, or both). Fourth-degree sexual assault is a class A misdemeanor (punishable by up to one year in prison, a fine of up to \$2,000, or both) or, if the victim is under age 16, a class D felony.

Another new law expands the activities that constitute third- and fourth-degree sexual assault. It accomplishes this by making someone guilty of these crimes if all other elements of the crimes are met and the actor engages in or causes or forces another to submit to sexual contact by emitting any substance from his genital area or anus.

(PA 06-11, effective October 1, 2006)

Electronic Mail Message Phishing

A new law prohibits using the Internet or an e-mail message to solicit or induce anyone to provide identifying information by pretending to be an on-line Internet business without the business's authorization. The attorney general or anyone aggrieved by a violation can sue to enforce the law and prevent further violations. The court may award actual damages or \$25,000, whichever is greater, for each violation. It may triple the damage award if it determines that the defendant has engaged in a pattern and practice of violations. A violation is also a class D felony, punishable by up to five years in prison, a fine of

up to \$5,000, or both. Multiple violations committed in the course of a single act constitute a single violation for purposes of the criminal penalty.

An Internet service provider is not liable for identifying, removing, or disabling access to a web page or other on-line location that it believes in good faith is being used to violate the prohibition.

(PA 06-50, effective October 1, 2006)

Operating Snowmobiles and All-Terrain Vehicles (ATVs) Under the Influence

A new law applies the same criminal penalties to operating a snowmobile or ATV while under the influence of alcohol or drugs that apply to operating a motor vehicle. These penalties include mandatory suspension or revocation of a license to operate a motor vehicle. The prohibition and penalties apply irrespective of where the violation occurs. Previously, the penalty was a fine of up to \$250.

(PA 06-147, effective October 1, 2006)

Under this new law, convictions for driving under the influence in a motor vehicle and operating a snowmobile or ATV under the influence are interchangeable and are all counted when determining the number of prior convictions of operating under the influence.

Scanning Devices and Reencoders

A new law prohibits using, without permission and with intent to defraud, a (1) scanner to read the information on a computer chip or a payment card (such as a credit card) and (2) reencoder to take information from a computer chip or a payment card and encode it on a computer chip or a different card. The attorney general can sue to enforce these provisions and a violator is subject to one to 10 years in prison, a fine of up to \$10,000, or both.

The new law also prohibits possessing a scanning device or reencoder under circumstances showing intent to violate its prohibitions. An offender commits a class A misdemeanor, punishable by up to one year in prison, a fine of up to \$2,000, or both.

(PA 06-60, effective October 1, 2006)

Street Racing

Existing law prohibits driving a motor vehicle on a public highway for purposes of betting, racing, or making a speed record. A new law additionally prohibits (1) possessing a motor vehicle under circumstances showing an intent to use it in one of these prohibited races or events; (2) acting as a starter, timekeeper, judge, or spectator at such a race or event; or (3) betting on the race's or event's outcome. It

subjects this conduct to the same penalties the law provides for driving in these races or events: (1) a first offense is punishable by up to one year in prison, a fine of \$75 to \$600, or both and (2) subsequent offenses are punishable by up to one year in prison, a fine of \$100 to \$1,000, or both.

(PA 06-173, effective October 1, 2006)

Fake Air Bags

A new law prohibits selling or offering to sell any device intended to replace a motor vehicle air bag if the seller knows or reasonably should know that it does not meet federal safety standards. A violator commits an unfair trade practice (which subjects him to lawsuits and civil penalties). Each sale or offer for sale is a separate violation. A violator is also guilty of a class A misdemeanor, which is punishable by up to one year in prison, a fine of up to \$2,000, or both.

(PA 06-25, effective July 1, 2006)

Governor—Revolving Door

A new law prohibits a former governor from accepting employment as a lobbyist, for one year after leaving state service, with a business that received a contract with any state department or agency during his term. It also prohibits such a business from employing a

former governor during this period. A first offense is a class A misdemeanor, unless the violator derives a financial benefit of \$1,000 or more, in which case it is a class D felony. A subsequent offense is a class D felony.

(PA 06-137, § 31, effective July 1, 2006)

Minors in the Workplace

A new law significantly increases and makes uniform the fines, maximum prison terms, and civil penalties for violating laws regulating the hours and type of work performed by minors, people with disabilities, and other specified groups. Under prior law, the fines ranged from \$25 to \$200 for each offense, and under the new law they range from \$2,000 to \$5,000 for each. Under prior law, jail sentences did not exist or were for a maximum of 30 days. The new law establishes maximum jail terms up to five years.

It similarly increases the penalties and fines and creates jail terms for parents or guardians who permit a minor to work in violation of some of the same laws.

(PA 06-139, effective January 1, 2007)

Handling Mercury

A new law establishes penalties for violating the laws on sale, distribution, labeling, and collection of mercury and

products containing mercury. The Environmental Protection commissioner can (1) issue orders to correct or abate violations and (2) ask the attorney general to sue someone she believes is or is about to violate the mercury laws or regulations. It imposes civil penalties, which the attorney general can sue to collect

It subjects anyone who, with criminal negligence, violates these laws, orders, or regulations, or who makes any false statement, representation, or certification in any application or other document filed or required to be maintained, to a fine of up to \$25,000 a day, up to one year in prison, or both. A subsequent conviction is punishable by up to \$50,000 a day for each day of the violation, up to two years in prison, or both.

Anyone who knowingly violates the laws, orders, or regulations concerning mercury reduction, or who makes any false statement, representation, or certification in any application or other document filed or required to be maintained, to a fine of up to \$50,000 a day for each day of the violation, up to three years in prison, or both. A subsequent conviction is punishable by a fine of up to \$50,000 a day for each day of violation, up to 10 years in prison, or both.

(PA 06-76, §§ 27-29, effective October 1, 2007)

Telephone Records

A new law prohibits (1) knowingly procuring, attempting to procure, soliciting, or conspiring with another to procure a customer's telephone record without the customer's authorization; (2) knowingly selling or attempting to sell a customer's telephone record without the customer's authorization; and (3) receiving a customer's telephone record knowing that it has been obtained without the customer's authorization or by fraudulent, deceptive, or false means.

It explicitly authorizes certain business practices such as allowing companies to allow access to records for billing purposes. It does not apply to (1) a telephone company or its agents or representatives who act reasonably and in good faith in accordance with the new law or (2) someone acting under a valid court order, warrant, or subpoena. It cannot be construed to prevent law enforcement agencies, officers, or employees from obtaining telephone records in connection with their official duties.

A violation involving a single telephone record is a class C misdemeanor (punishable by up to three months in prison, a fine of up to \$1,000, or both); a violation involving two to 10 telephone records a class B misdemeanor (punishable by up to six months in prison, a fine of up to \$1,000, or both); and a

violation involving more than 10 telephone records a class A misdemeanor (punishable by up to one year in prison, a fine of up to \$2,000, or both). A violation is also an unfair trade practice.

(PA 06-96, effective October 1, 2006)

Sparklers and Fountains

The law bans fireworks, with exceptions for use and display under a permit and pursuant to the state fire marshal's regulations. Previously, sparklers were classified as fireworks, but people age 16 or older could do any of the following with sparklers that were nonexplosive and nonaerial and had up to 100 grams of pyrotechnic mixture per item: offer or expose for sale; sell at retail; or buy, use, or possess with intent to sell.

A new law excludes sparklers from the definition of fireworks. It instead defines "sparklers" as a wire or stick coated with pyrotechnic composition that gives off a shower of sparks when lit. It retains the age restrictions and adds the following restrictions: (1) sparklers cannot contain magnesium, except for magnalium or magnesium-aluminum alloy and (2) they cannot have more than five grams of chlorate or perchlorate salts per item. The new law places all these restrictions on fountains as well, and it limits to 200 grams the total pyrotechnic composition of fountains when

more than one fountain is mounted on a common base.

The new law defines "fountain" as any cardboard or heavy paper cone or cylindrical tube containing pyrotechnic mixture that produces a shower of colored sparks or smoke when ignited. Fountain includes (1) a spike fountain, which has a spike for inserting the fountain into the ground; (2) a base fountain, which has a wooden or plastic base for placing the fountain on the ground; and (3) a handle fountain, which is a hand-held device with a wooden or cardboard handle. Under the new law, fountains are not fireworks.

Violators of existing law are subject to a fine up to \$100, imprisonment for up to 90 days, or both. But if an illegal sales violation involves more than \$10,000 in sales, it is a class A misdemeanor (punishable by up to one year in prison, a fine of up to \$2,000, or both). And the penalty for a permit violation that results in an injury or death is a fine up to \$10,000, imprisonment for up to 10 years, or both. The new law applies these penalties to violations of the provisions governing fountains as well.

(PA 06-177, effective upon passage)

Home Heating Oil and Propane Fuel Sales

A new law requires propane dealers to register with the Department of Consumer Protection (DCP) to sell to residential customers. Such dealers must both register and sell under the same terms as home heating oil dealers. By law, the penalties for violating the fuel delivery law are the same as those for violating the weights and measures law. Violators are subject to a criminal penalty of up to three months in prison, a fine between \$50 and \$300, or both, for a first offense and up to one year in prison, a fine between \$100 and \$1,000, or both, for subsequent offenses. Violators are also subject to a civil penalty,

The new law also subjects violators to the penalties for violating the law on the operation of a fuel supply business, if appropriate. Possible penalties include subjecting someone who sells residential fuel oil or propane without conspicuously placing the unit price, total number of units sold, and delivery surcharge on the delivery ticket to a criminal penalty of a fine of up to \$100 for a first offense and up to \$500 for subsequent offenses.

(PA 06-65, effective October 1, 2006)

Removal of Abandoned Sunken Vessels

A new law eliminates the criminal penalty for an owner, agent, or operator of a vessel, scow, lighter, or similar floating structure who causes or allows it to be broken or altered so that it would not keep afloat, or grounded, or left any part of it in a river or harbor. Previously, violators were subject to a fine of up to \$500, up to six months imprisonment, or both.

The new law also changes the procedures for dealing with these vessels.

(PA 06-121, effective upon passage)

Driving Schools

Previously, any person or business violating any of the laws applicable to Department of Motor Vehicles-licensed commercial driving schools was subject to a criminal penalty of a fine of \$100 to \$250, imprisonment for 10 to 30 days, or both, for a first violation and a fine of \$250 to \$500, imprisonment for 30 days to three months, or both, for a subsequent violation. A new law replaces these criminal penalties with authority for the motor vehicles commissioner to (1) suspend or revoke the license or (2) impose a civil penalty of up to \$1,000 for each violation. He may impose these sanctions after providing an opportunity for a hearing.

(PA 06-130, § 6, effective upon passage)

Failure to Return Rental Property

A new law makes changes to two crimes regarding rented or leased property. It excludes personal property rented or leased under consumer rent-to-own agreements from the types of personal property subject to criminal penalties for the crime of “conversion of leased property” and modifies the elements of this crime. By law, conversion of leased personal property is a form of larceny. The punishment for larceny depends on the value of the property taken, ranging from a class C misdemeanor (punishable by up to three months in prison, a fine of up to \$500, or both) when the value of the property is up to \$250 to a class B felony (punishable by up to 20 years in prison, a fine of up to \$15,000, or both) when the value of the property is over \$10,000 (PA 06-188, effective October 1, 2006).

Someone commits the crime of “criminal trover in the 2nd degree” when, knowing he is not licensed or privileged to do so, he uses another’s personal property without consent and damages or diminishes its value or causes economic loss, fine, or penalty. A new law provides that “economic loss” includes situations in which:

1. a property owner is in the business of renting or leasing personal property,
2. the person who rented or leased the property did so under a written agreement requiring its return at a specified time,
3. the person does not return it within 120 hours after the owner sends a written demand for return of the property by registered mail to the person’s address in the agreement unless a most recent address is known (acknowledgement of the receipt of the demand is not necessary to show that 120 hours have passed),
4. the owner suffers over \$500 of uncompensated economic loss, and
5. the property is not rented or leased for personal or household purposes or under a consumer rent-to-own agreement.

Second degree criminal trover is a class A misdemeanor, punishable by up to one year in prison, a fine of up to \$2,000, or both.

(PA 06-118, effective October 1, 2006)

CRIME VICTIMS

Permission to Subpoena Crime Victims

A new law requires a party to a civil proceeding who is not represented by legal counsel (pro

se litigant) to (1) notify the court clerk if he has been convicted of any one of a list of crimes and (2) get the court's permission before issuing a subpoena for the crime victim to appear and testify in the proceeding, including a deposition. The crimes triggering the notification and necessity for permission are:

1. a family violence crime;
2. risk of injury to minors;
3. first-, second-, third-, and fourth-degree sexual assault;
4. aggravated first-degree sexual assault;
5. second-degree assault with a firearm;
6. sexual assault in a spousal or cohabitating relationship; and
7. first-, second-, and third-degree stalking.

The clerk who receives the notice must schedule a hearing and notify the pro se litigant. At the hearing, the pro se litigant must disclose the testimony he expects the victim to give. The court may authorize the subpoena if it finds that the expected testimony is relevant and necessary to the civil matter. The litigant's subsequent examination of the victim must be consistent with the court's findings.

(PA 06-100, effective October 1, 2006)

Crime Victim Compensation

A new law gives the Office of Victim Services (OVS) the

authority to (1) waive the time limit for crime victims to apply for crime victim compensation and (2) award compensation amounts in excess of the statutory maximum. It prohibits OVS from denying compensation to a sexual assault victim who fails to report the crime to the police within the statutory time period.

(PA 06-100, effective October 1, 2006)

Victim Information and Notification System

A new law requires the chief state's attorney, in consultation with the chief court administrator, to develop a plan for establishing and implementing a statewide automated victim information and notification system. By January 1, 2007, the chief state's attorney must submit the plan, including any recommendations for implementing legislation, to the Judiciary Committee.

(PA 06-100, effective upon passage)

State Marshals and Address Protection Program

By law, the address protection program provides a substitute mailing address (mailbox and fictitious street numbers) to certain crime victims who, for safety reasons, wish to keep their residential address secret. The program is available to family violence, stalking, and sexual

assault victims and victims of injury or risk of injury to a minor. The secretary of the state is the agent for service of process for program participants.

A new law requires the State Marshal Commission to create a list of program participants, refer to it to determine if an intended process recipient is a participant, and verify the participation before serving process on the secretary of the state. It requires the secretary to give the commission's chair the participants' names.

(PA 06-100, effective upon passage)

CRIMINAL PROCEDURE

Sex Offender Registration

A new law reduces, from life to 10 years, the mandatory registration period for violators of several statutory rape laws and requires additional offenders to register for 10 years. It establishes a Risk Assessment Board to develop a scale using various factors to determine a sex offender's likelihood of reoffending.

Whenever someone is convicted of a sex crime that requires registration or found not guilty by reason of mental defect or disease, it requires the court to give the Department of Public Safety (DPS) a written description of each offense and the age and sex of the crime victim. DPS must add this to the sex offender

registry information available to the public on the Internet.

The new law also adds activities that trigger a registrant's obligation to update his registry information and requires DPS to establish a protocol for notifying state agencies and local police of such changes. It also requires the Department of Correction commissioner to ensure that sex offenders in her custody are registered before she releases them.

(PA 06-187, various effective dates)

Shielding the Media from Subpoenas

With some exceptions, a new law prohibits government bodies that can issue subpoenas from compelling the news media to testify about, produce, or disclose (1) information obtained or received, whether in confidence or not, in gathering or processing information for potential communication to the public; (2) the source of the information; or (3) information that can identify the source. The exception is for information (1) necessary to a pending investigation, prosecution, or civil action; (2) not otherwise available; and (3) of interest to the public.

In criminal prosecutions, the new law provides that it cannot be construed to deny or infringe an accused's rights under the U.S. or Connecticut

constitutions. Both of these documents give the accused the right to use subpoenas to obtain witnesses on his behalf.

(PA 06-140, effective October 1, 2006)

Ignition Interlocks

A new law specifies that, as a condition of probation, a court may order anyone arrested for driving under the influence, 2nd-degree manslaughter with a motor vehicle, or 2nd-degree assault with a motor vehicle, not to operate any motor vehicle unless it is equipped with an ignition interlock device.

(PA 06-152, effective October 1, 2006)

Competency to Stand Trial

A new law gives courts more time to determine whether mentally ill defendants may qualify for civil commitment and treatment instead of criminal prosecution. The court previously made this determination only at the first competency hearing, generally held one month after the defendant's ability to understand the court proceedings and assist in his defense was questioned. The new law gives courts up to 120 more days to divert defendants to the civil commitment program. By law, defendants who complete their treatment under civil commitment are entitled to dismissal of the criminal charges

or an order of *nolle prosequi* (no further action).

The new law also requires courts considering a request to involuntarily medicate a defendant who refuses to take recommended medication to appoint a psychiatrist to represent the patient's health care interests ("health care guardian"). If the refusing patient is voluntarily participating in treatment, the new law requires that the treatment facility make reasonable efforts to encourage voluntary compliance before asking the court to involuntarily commit him and authorize forced medication. Previously, health care guardian appointments were required only when the patient was too ill to consent to taking the medication.

(PA 06-36, effective October 1, 2006)

Various Changes to Court Operations

A new law makes a number of changes to court operations. It reduces the time periods for disposing of exhibits and other records in certain cases and applies these changes to any criminal or motor vehicle case regardless of when it was disposed of.

It authorizes the chief court administrator, as part of a publicly bid contract for an alternative incarceration program, to include a requirement that the contractor

provide space for the Court Support Services Division staff to meet with probationers and oversee and monitor the program. The chief court administrator, instead of the public works commissioner, can represent the state in providing space for the division as part of a contract for an alternative incarceration program.

It authorizes information contained in an application for a restraining order, instead of a copy of the application, to be sent immediately to police departments.

It specifies that the monetary contribution criminal defendants make to the Criminal Injuries Compensation Fund may be paid to either the court clerk or the Office of Victim Services. It requires court clerks to collect and receive such contributions and account for and deposit them into the fund.

It establishes some new rules for arraigning criminal defendants.

(PA 06-152, effective October 1, 2006, except the provisions (1) on court clerks are effective July 1, 2006, and (2) dealing with the chief court administrator and arraignment are effective on passage)

Recommitment of Certain Escapees and Confinement of Acquittes for Examination

A new law specifies that the Psychiatric Security Review Board (PSRB) may order a person

under its jurisdiction committed to an institution (hospital) if he has been absent from the institution for an extended period following an escape.

It also extends, from 45 to 60 days, the amount of time for examining an acquittee committed to the custody of the Department of Mental Health and Addiction Services following the commitment order.

(PA 06-91, effective October 1, 2006)

LICENSING AND EMPLOYMENT

Provisional Pardons

A new law authorizes the Board of Pardons and Paroles to issue provisional pardons to relieve an offender of certain barriers or forfeitures to obtaining employment or an occupational license due to the conviction of crimes named in the provisional pardon. Anytime after sentencing, the board can issue a provisional pardon to a person who applies for one or who is under the board's jurisdiction if (1) the person was convicted of a crime in Connecticut or another jurisdiction and resides in the state and (2) the relief in the provisional pardon may promote the public policy of rehabilitating ex-offenders through employment and is consistent with the public's interest in safety and protecting property.

The new law prohibits employers from denying

employment to a prospective employee or discharging or discriminating against an employee solely on the basis of a conviction that occurred before his employment for which the person received a provisional pardon. By law, these prohibitions already apply to prior arrests, criminal charges, or legally erased records of convictions (for delinquencies, families with service needs, youthful offenders, criminal charges that were dismissed or nolle, criminal charges resulting in not guilty verdicts, and pardoned convictions).

(PA 06-187, effective October 1, 2006)

Homemaker Companion Agencies

A new law requires homemaker-companion agencies to register annually with the Department of Consumer Protection. Among its provisions, the new law prohibits anyone from: presenting someone else's certificate as his own; knowingly giving false material evidence to procure a certificate; impersonating a registered agency; using an expired, suspended, or revoked certificate; offering homemaker or companion services without a current certificate; or representing that registration constitutes the commissioner's endorsement of the quality of services the person provides. Anyone who violates these

specific provisions is subject to up to six months in prison, up to a \$1,000 fine, or both, in addition to other remedies

It also requires new employees hired by these agencies on or after October 1, 2006 to undergo comprehensive background checks and answer questions in writing about their criminal convictions or certain disciplinary actions against them. An employee who makes a false written statement about his prior criminal convictions or disciplinary action commits a Class A misdemeanor, punishable by up to one year in prison, a fine of up to \$2,000, or both.

(PA 06-187, §§ 52-62, effective October 1, 2006)

Private Occupational School Authorization

A new law allows the Higher Education commissioner to deny a private occupational school authorization to operate if the person who owns or intends to operate it has been convicted in any state of 1st- or 2nd-degree larceny, identity theft, or forgery. It also allows a denial if the person has a criminal record the commissioner believes makes him unsuitable to own and operate a school.

It requires any refusal for criminal reasons be made according to the laws governing denial of employment based on prior conviction. These laws, which supersede all other laws

governing occupational licensing, make it state policy to encourage favorable consideration of people with criminal records. They require consideration of the (1) nature of the crime, (2) time since conviction or release, and (3) person's rehabilitation and require any denial solely because of the conviction be in writing.

(PA 06-150, effective October 1, 2006)

PLANNING AND STUDIES

Juvenile Jurisdiction Planning and Implementation Team

A new law creates a juvenile jurisdiction planning and implementation team. It must plan for the implementation of any changes needed to extend juvenile court jurisdiction over delinquency matters to 16- and 17-year-olds. Existing law limits delinquency jurisdiction to youth age 15 and under.

The team must submit a report to the Appropriations and Judiciary committees by February 1, 2007 containing (1) its findings and (2) recommendations for appropriate legislation.

(PA 06-187, § 16, effective upon passage)

Sentencing Study

A new law creates a Connecticut Sentencing Task Force to review the state's criminal justice and sentencing policies and laws to create a

more just, effective, and efficient system of sentencing.

(PA 06-193, effective July 1, 2006)

Criminal Justice Policy and Planning

A new law changes the responsibilities and reporting requirements of the Criminal Justice Policy and Planning Division within the Office of Policy and Management (OPM), including transferring to the division responsibility for developing and implementing the reentry strategy for offenders returning to the community. It also changes the content requirements for the reentry strategy.

The new law also renames the Commission on Prison and Jail Overcrowding the Criminal Justice Policy and Advisory Commission, adds four members to the commission, and requires it to advise and assist the division.

(PA 06-193, effective July 1, 2006)

POLICE AND CRIME PREVENTION

Cooperative Crime Control Task Force

A new law replaces the Statewide Cooperative Crime Control Task Force in the Department of Public Safety (DPS) with the State Urban Violence and Cooperative Crime

Control Task Force. It requires the task force to conduct and coordinate investigations of violent crimes and other criminal activity that local authorities are unable to contain.

Investigations and task force deployments must be made pursuant to agreements between the municipal chief elected official or police chief and under the direction of the DPS commissioner or his designee.

(PA 06-187 § 17, effective July 1, 2006)

Testing Drivers in Certain Motor Vehicle Accidents

A new law broadens the circumstances in which a surviving driver of a car accident involving serious physical injury or death must give a blood or breath sample. It requires the driver to give a sample if the police (1) charge him with a motor vehicle violation regarding the accident and (2) have a reasonable articulable suspicion that he was driving while under the influence of liquor or drugs. The law, unchanged by the act, also allows the police to require a test from a surviving driver if the officer has probable cause to believe that the driver was driving under the influence.

(PA 06-173, effective October 1, 2006)

Rearrest Warrants

A new law requires the Criminal Justice Policy and

Planning Division within OPM to notify each municipal chief elected official of the number of people living in the municipality with outstanding rearrest and arrest warrants for probation violations. The division must send the notice by the 15th day of each month beginning on the first month after OPM gains access to the warrant data. Local law enforcement agencies must note actions they take to execute such a warrant and apprehend the accused person living in their community in any paperless rearrest warrant network that is available and accessible. They must enter the notation within 30 days after a rearrest or arrest warrant for a probation violation is entered into the network.

(PA 06-99, effective October 1, 2006)

Maintenance of Fingerprint Data

A new law gives the State Police Bureau of Identification (SPBI) the option of maintaining fingerprints in either electronic or paper format. It applies to fingerprints (1) SPBI receives from police departments for people convicted of crimes of moral turpitude and (2) from people who submit to criminal history record checks required by law.

(PA 06-187, § 43, effective July 1, 2006)

Liquor Permits and Investigations Regarding Inducing Minors to Procure Liquor

A new law removes the prohibitions against the Department of Consumer Protection (1) suspending or revoking a liquor permit, or taking any disciplinary action thereafter, for any violation of the Liquor Control Act for which a permittee or his employee was found not guilty or received a dismissal in court and (2) beginning hearings based on an arrest that did not result in a conviction.

Additionally, it excludes landlords and franchisors from being considered as proprietors or backers under the Liquor Control Act and creates a procedure to cancel a remonstrance hearing.

(PA 06-94, effective October 1, 2006)

PRISONS AND PRISONERS

Restoration of Felons' Voting Rights

A new law eliminates a requirement for felons, other than those convicted of election-related crimes, to give a registrar of voters satisfactory proof that they have been released from prison and completed any parole before their voting rights can be restored. It also eliminates a requirement for felons released from a federal or out-of-state

correctional institution to submit proof that they have paid all fines related to their conviction.

The law continues to require the Correction commissioner to give each inmate a certificate of release and send the secretary of the state a monthly list of all felons released from custody during the preceding calendar month. The secretary must send the list to the appropriate registrars.

(PA 06-137, effective upon passage)

Education Programs

A new law transfers, for each fiscal year starting with FY 07, \$350,000 from the Department of Information Technology's revenue from the contract for pay phone services for inmates to the Department of Correction (DOC) to expand inmate educational services and reentry programs.

(PA 06-119, effective July 1, 2006)

Habeas Corpus Petitions

A new law requires filing habeas corpus applications claiming illegal confinement or deprivation in any correctional facility, instead of specified ones, in the Tolland Judicial District.

(PA 06-152, effective October 1, 2006)

Fine Reduction Credits

The law allows a good conduct reduction of a sentence or fine for a person who is confined because he cannot obtain or was denied bail while awaiting sentencing. Previously, the reduction was 10 days or \$500 for every 30 days of presentence confinement. A new law increases the fine reduction to 10 times the cost of incarceration as determined by DOC. By law, each day in presentence confinement is also a credit against the sentence of imprisonment and, for a fine, a credit at a per diem rate equal to the average daily cost of incarceration.

(PA 06-119, effective July 1, 2006)

Prisons

A new law repeals a statute that required men and women to be confined and kept separately except at three facilities. The first two are the Hartell/DWI Correctional Unit and the Western Substance Abuse Treatment Unit, which no longer house inmates, and the third is the Northeast Correction Center, which is now named the Bergin Correctional Institution and houses low security, adult male inmates. In those three facilities, prior law required separate housing and rehabilitative services including substance abuse treatment that addressed the unique causes of addiction for men and women.

(PA 06-119, effective July 1, 2006)

OTHER PROVISIONS

Electronic Prescription Drug Monitoring Program

A new law requires the Consumer Protection commissioner, within available appropriations, to establish an electronic prescription drug monitoring program to collect prescription information from pharmacies about Schedules II, III, IV, and V controlled substances. It requires the program to be designed to provide information about the prescription of these substances to prevent their improper or illegal use. It prohibits the program from infringing on legitimate prescriptions made in good faith and in the course of professional practice.

It (1) sets requirements for information reporting, (2) makes the information confidential and establishes a mechanism allowing it to be reported, and (3) establishes a prescription drug monitoring working group.

It allows the commissioner to contract with a vendor to collect the information. It requires the commissioner and vendor to keep the information in accordance with the state's Pharmacy Practice Act. Disclosure of collected information, except as specifically authorized, is prohibited. A violator commits a class D felony, which is

punishable by up to five years in prison, a fine of up to \$5,000, or both.

(PA 06-155, effective October 1, 2006)

Needle and Syringe Exchange

A new law eliminates the existing cap of 30 needles and syringes that may be exchanged at any one time under the Department of Public Health's needle and syringe exchange program. It makes corresponding changes to the laws on drug paraphernalia reflecting the cap's removal. By law, unchanged by the act, first-time needle exchange program applicants are subject to a 30 needle and syringe cap.

(PA 06-195, §§ 4, 15, 16, effective upon passage)

Local Law Violations as Infractions

A new law authorizes violations of local laws for which the penalty is between \$90 and \$250 to be handled as an infraction, except (1) violations of health and building codes and (2) other violations if the municipality has established a payment and hearing procedure as authorized by law. Thus, an accused violator does not have to appear in court if he pays his fine and any applicable additional fees or costs by mail. The payment is considered a no contest plea and is inadmissible in any civil or criminal

proceeding to establish his conduct.

(PA 06-185, effective October 1, 2006)

Motor Vehicle Violation Surcharge for Municipalities

A new law adds a \$10 surcharge on specified motor vehicle violations and requires the state to remit the revenue to the municipalities where the violations occurred. The surcharge applies to anyone who pays a fine or forfeiture for any of 35 motor vehicle violations, including: (1) speeding, (2) reckless driving, (3) driving under the influence, (4) making an illegal turn, (5) failing to yield right of way, (6) failing to stop for a school bus (for a first offense), and (7) failing to stop at a stop sign. The surcharge also applies to anyone who pays a fine or forfeiture under any ordinance enacted in accordance with these laws.

(PA 06-106, effective July 1, 2006)

Pharmaceutical Emergency Preparedness

When the governor or her authorized representative declares an emergency, a new law allows a hospital pharmacy, pharmacy, or other registrant authorized by state or federal law to possess controlled substances to transfer or distribute drugs or controlled drugs to a licensed pharmacy, registrant, or a

location authorized by the Department of Consumer Protection (DCP) commissioner.

It requires licensed wholesalers that distribute prescription drugs to provide the DCP commissioner with a report on the wholesaler's on-hand inventory of specifically identified prescription drugs. Licensed repackagers of the finished form of the drug must do the same.

DCP must establish a list of strategic prescription drugs that must be reported. The list, issued biannually, must be based on anticipated medication requirements for public health preparedness, pharmacological terrorism prevention or response, and medication and economic integrity.

Information licensed wholesalers provide under the act is not subject to disclosure under the Freedom of Information Act. But it is available to DCP, the Department of Public Health, the Office of Emergency Management, and other agencies and entities determined by DCP after they request it and demonstrate a need for public health preparedness, pharmacological-terrorism prevention or response, medication integrity, or other appropriate purpose.

DCP may adopt regulations, with the assistance of the Commission on Pharmacy. Violation of these provisions results in a fine of up to \$10,000, imprisonment up to one year, or both.

(PA 06-76, §§ 49-50, effective upon passage)

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