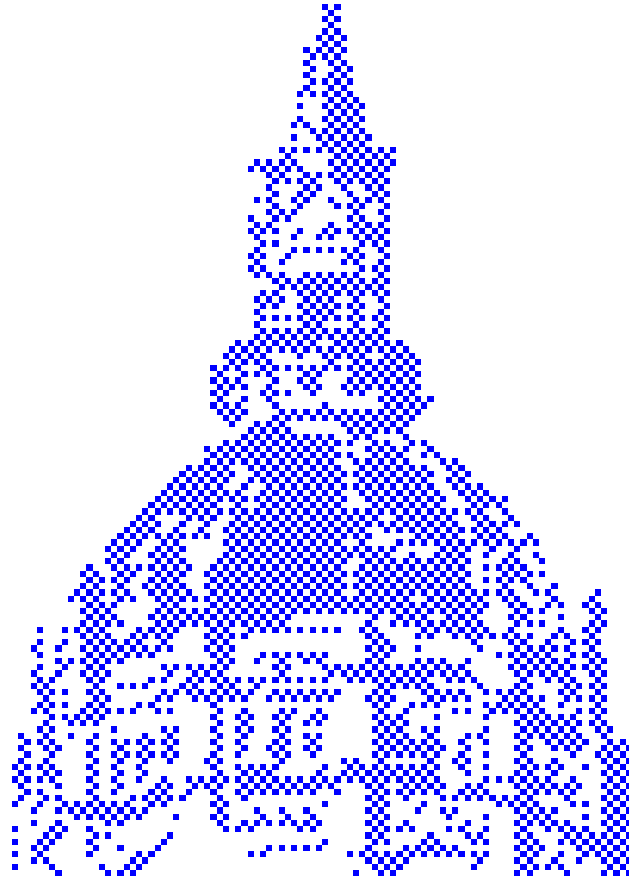




## ACTS AFFECTING CRIME AND PUBLIC SAFETY



2016-R-0120

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## **NOTICE TO READERS**

This report provides brief highlights of new laws affecting crime and public safety enacted during the 2016 regular and May special legislative sessions. Each entry indicates the public act (PA) number. We do not include vetoed public acts, unless the legislature overrode the governor's veto.

Not all provisions of the acts are included here. Complete summaries of all 2016 public acts will be available when OLR publishes its Public Act Summary book; some are already on OLR's website ([www.cga.ct.gov/olr/OLRPASums.asp](http://www.cga.ct.gov/olr/OLRPASums.asp)).

Readers are encouraged to obtain the full text of acts that interest them from the Connecticut State Library, House Clerk's Office, or General Assembly's website ([www.cga.ct.gov/](http://www.cga.ct.gov/)).

## TABLE ON PENALTIES

The law authorizes courts to impose imprisonment, fines, or both when sentencing a convicted criminal. Table 1 displays the range of prison terms and fines that judges may impose for each classification of crime. Some crimes have a mandatory minimum sentence not specified in the table. Also, repeated or persistent offenders may face higher sentences than specified here.

**Table 1: Crime Classifications and their Penalties**

<i><b>Felony or Misdemeanor</b></i>	<i><b>Prison Term</b></i>	<i><b>Fine</b></i>
Class A felony—murder with special circumstances	Life without the possibility of release	Up to \$20,000
Class A felony—murder	25 to 60 years	Up to \$20,000
Class A felony—aggravated sexual assault of a minor	25 to 50 years	Up to \$20,000
Class A felony	10 to 25 years	Up to \$20,000
Class B felony—1 <sup>st</sup> degree manslaughter with a firearm	5 to 40 years	Up to \$15,000
Class B felony	1 to 20 years	Up to \$15,000
Class C felony	1 to 10 years	Up to \$10,000
Class D felony	Up to 5 years	Up to \$5,000
Class E felony	Up to 3 years	Up to \$3,500
Class A misdemeanor	Up to 1 year	Up to \$2,000
Class B misdemeanor	Up to 6 months	Up to \$1,000
Class C misdemeanor	Up to 3 months	Up to \$500
Class D misdemeanor	Up to 30 days	Up to \$250

## TABLE OF CONTENTS

<b>CRIMES AND PENALTIES</b> .....	<b>5</b>
Animal Cruelty Penalty for Repeat Offenders .....	5
Driving Under the Influence (DUI) with Child Passengers .....	5
Evading Responsibility for an Accident .....	5
Human Trafficking and Related Crimes .....	5
Hunting or Carrying Firearms While Under the Influence .....	6
Music and Art Therapists .....	6
School-Related Threats .....	6
Tattooing Without a License .....	6
Telephone Fraud .....	6
Weapons in Vehicles .....	7
<b>DIVERSION PROGRAMS</b> .....	<b>7</b>
Ineligibility for Alcohol or Drug Treatment Program .....	7
Program for Certain Minors to Avoid Fines or Criminal Charges .....	7
<b>DOMESTIC VIOLENCE</b> .....	<b>7</b>
Firearms Possession and Orders of Protection .....	7
Notice of Domestic Violence Counseling .....	8
Postponed Hearings and Ex Parte Civil Protection Orders .....	8
Restraining and Civil Protection Orders for Minors .....	9
Restraining Orders—Information at Hearings .....	9
<b>HUMAN TRAFFICKING</b> .....	<b>9</b>
<b>JUVENILE COURT</b> .....	<b>10</b>
Court Appointed Special Advocate .....	10
Juvenile Justice and Related Matters .....	10
<b>LAW ENFORCEMENT</b> .....	<b>10</b>
Body Camera Recordings Involving Minors .....	10
Compelled Disclosure of Phone and Internet Records .....	11
Confiscating Mini-Motorcycles, Dirt Bikes, and All-Terrain Vehicles (ATVs) .....	11
“Move Over” Law Expansion .....	11
Sharing Law Enforcement Personnel .....	11
Special Police Forces on College Campuses .....	12
Stab and Gunshot Wound Reports .....	12
<b>MISCELLANEOUS ACTS</b> .....	<b>12</b>
Affirmative Consent .....	12
Claims Against the State and Wrongful Incarceration .....	12
Inheritance Rights and Certain Defendants .....	13
Neighborhood Security Fellowship and Projects .....	13
Termination of Parental Rights .....	13
<b>ADDITIONAL MINOR CHANGES</b> .....	<b>14</b>

## **CRIMES AND PENALTIES**

### ***Animal Cruelty Penalty for Repeat Offenders***

A new law increases the penalty, from a class D felony to a class C felony, for a subsequent offense of malicious and intentional animal cruelty (i.e., maliciously or intentionally maiming, mutilating, torturing, wounding, or killing an animal) ([PA 16-96](#), effective October 1, 2016).

### ***Driving Under the Influence (DUI) with Child Passengers***

A new law increases the criminal penalties for DUI (1) with a passenger under age 18 or (2) when driving a school bus, student transportation vehicle, or other motor vehicle specially designated for carrying children. It does so by creating specific crimes for these offenses.

Among other changes compared to existing DUI law, the penalties for the new crimes include longer mandatory minimum and maximum prison terms and required probation for first offenses. For DUI with a child passenger, the new law adds to the required components of probation (1) submitting to an interview and risk evaluation by the Department of Children and Families (DCF) and (2) cooperating with DCF-ordered programming ([PA 16-126](#), effective October 1, 2016).

### ***Evading Responsibility for an Accident***

A new law increases, from one year to five years, the maximum prison sentence for a motor vehicle driver who (1) is knowingly involved in an accident that causes physical injury to a person and (2) does not immediately stop, render assistance, and provide certain identifying information. It retains the existing fines for these crimes ([PA 16-94](#), effective October 1, 2016).

### ***Human Trafficking and Related Crimes***

A new law makes changes to a number of crimes related to human trafficking. It:

1. prohibits someone age 16 or 17 from being convicted of prostitution and alters eligibility for vacating a prostitution conviction,
2. makes more people subject to a higher penalty for patronizing a prostitute,
3. sets the fine that is part of the penalty for certain prostitution-related crimes at the maximum of the range that was previously applicable to each crime,
4. expands the crime of enticing a minor to include enticing a minor age 16 or 17 (prior law applied only to minors under age 16) and punishes those who reasonably believe the person being enticed is under age 18, and

5. expands the conduct punishable as human trafficking and allows a court to impose a standing criminal protective order against someone convicted of certain types of trafficking ([PA 16-71](#), effective October 1, 2016).

The new law contains other provisions on trafficking (see **HUMAN TRAFFICKING** below).

### ***Hunting or Carrying Firearms While Under the Influence***

A new law lowers the legal blood alcohol content (BAC) for carrying a loaded firearm or hunting from .10% to .08%, the same as for driving or boating. For anyone under age 21, it sets a new and lower BAC threshold of .02% for hunting under the influence ([PA 16-152](#), effective October 1, 2016).

### ***Music and Art Therapists***

A new law generally makes it a class D felony to represent oneself as a music therapist or art therapist unless meeting certain certification and education requirements ([PA 16-66](#), §§ 35 & 36, effective October 1, 2016).

### ***School-Related Threats***

A new law increases the penalty for 1<sup>st</sup> degree threatening, from a class D felony to a class C felony, if the threat was made with intent to cause the evacuation of a building or the grounds of a public or private preschool, school, or higher education institution during instructional hours or when the facility

or the grounds are being used for school- or institution-sponsored activities. It also increases the penalty for 2<sup>nd</sup> degree threatening, from a class A misdemeanor to a class D felony, if the threatened person was in the building or on the grounds of such a school facility during instructional hours or while they were being used for school- or institution-sponsored activities.

The new law also establishes (1) conditions under which the Board of Pardons and Paroles must grant an absolute pardon to someone convicted of committing one of these threats and (2) an absolute defense to a civil action for reporting certain threats ([PA 16-67](#), §§ 6-9, effective October 1, 2016).

### ***Tattooing Without a License***

A new law makes it a class D misdemeanor to engage in tattooing without a license or temporary permit ([PA 16-66](#), § 2, effective October 1, 2016).

### ***Telephone Fraud***

A new law creates a specific crime of telephone fraud, classified into six degrees, with penalties ranging from a class C misdemeanor to a class B felony generally depending on the value of money or property obtained by fraud ([PA 16-148](#), effective October 1, 2016).

## ***Weapons in Vehicles***

A new law codifies a Connecticut Supreme Court ruling by exempting, from the existing ban on carrying certain weapons in a vehicle, someone having a dirk knife or police baton in a vehicle while lawfully moving his or her household goods or effects from one place or residence to another ([PA 16-178](#), effective October 1, 2016).

## **DIVERSION PROGRAMS**

### ***Ineligibility for Alcohol or Drug Treatment Program***

A new law bars people charged with certain crimes from participating in an alcohol or drug dependency treatment program that can result in dismissing the charges. Prior law prohibited someone from participating if he or she was charged with a class A, B, or C felony; DUI; or 2<sup>nd</sup> degree assault with a motor vehicle unless the court waived ineligibility. The new law additionally prohibits:

1. the court from waiving ineligibility for someone charged with DUI, underage DUI, 2<sup>nd</sup> degree manslaughter with a motor vehicle, or 2<sup>nd</sup> degree assault with a motor vehicle if, at the time of the offense, the person was operating a commercial motor vehicle (large truck or bus) or held a commercial driver's license or commercial driver's instruction permit and
2. a person charged with underage DUI from participating in circumstances other than those

described above, unless the court waives ineligibility ([PA 16-55](#), § 9, effective October 1, 2016).

### ***Program for Certain Minors to Avoid Fines or Criminal Charges***

A new law allows a defendant under age 21 charged with certain motor vehicle violations or alcohol-related violations or crimes to participate in a program that can result in dismissing the charges against him or her. An approved nonprofit organization that advocates for drunk driving victims must conduct the program and must provide a non-confrontational forum for participants to hear from victims affected by underage drinking, drunk driving, distracted driving, or other motor vehicle violations. A person can only use the program once ([PA 16-182](#), effective October 1, 2016).

## **DOMESTIC VIOLENCE**

### ***Firearms Possession and Orders of Protection***

A new law makes various changes related to orders of protection, service of process, and firearms and ammunition possession.

Civil restraining orders are available to a family or household member subjected to continuous threat of physical pain or physical injury, stalking, or pattern of threatening by another family or household member. With regard to these orders, the new law, among other things:

1. revises the order application form to allow an applicant to indicate whether the respondent (accused) has a firearm eligibility or ammunition certificate;
2. reduces, from five to three, the number of days before a hearing date that process must be served;
3. requires a proper officer (i.e., person authorized to serve process), in certain circumstances, to request that a state or municipal police officer be present when service is executed; and
4. continues an ex parte order (i.e., an order issued without a hearing) beyond the initial hearing date under certain circumstances.

The new law extends certain firearms and ammunition prohibitions to a person subject to an ex parte civil restraining or protection order issued in a case involving physical force. It makes a person ineligible to possess firearms or ammunition upon receipt of legal notice that he or she is subject to an ex parte order and makes it a class C felony for such a person to violate the firearms or ammunition transfer, delivery, or surrender requirements, as is already the case for anyone subject to any other order of protection.

The new law also shortens, from two business days to 24 hours, the deadline by which a person who becomes subject to any type of order of protection in a case involving physical force must

transfer, deliver, or surrender his or her firearms and ammunition to law enforcement agencies or the Department of Emergency Services and Public Protection (DESPP). It provides for the request and return of firearms and ammunition when an order expires or is rescinded ([PA 16-34](#), effective October 1, 2016).

### ***Notice of Domestic Violence Counseling***

A new law makes changes to the information about domestic violence counselors and counseling organizations that the court must provide to people who apply for a restraining order in a domestic violence situation. It also specifies that courts must give this information, and information on how to continue an order beyond its initial period, to every restraining order applicant ([PA 16-105](#), §§ 4 & 5, effective October 1, 2016).

### ***Postponed Hearings and Ex Parte Civil Protection Orders***

Under a new law, if either party requests a postponement of a hearing on an application for a civil protection order, any ex parte order issued by the court does not continue unless the parties agree to it or the court orders it for good cause ([PA 16-105](#), § 6, effective October 1, 2016).

A civil protection order is available to a victim of sexual abuse, sexual assault, or stalking who cannot obtain a restraining order.



### ***Restraining and Civil Protection Orders for Minors***

A new law prohibits a parent, guardian, or responsible adult who brings an application for a restraining or civil protection order as next friend of someone under age 18 from speaking for the applicant at a hearing except for good cause showing why the applicant cannot speak on his or her own behalf. But such a person can testify as a witness at a hearing on the application ([PA 16-105](#), §§ 4 & 6, effective October 1, 2016).

### ***Restraining Orders—Information at Hearings***

When issuing an ex parte order (an order issued before a hearing, when one of the parties is not present), the court can consider relevant, publicly available court records. At a hearing on the application, a new law allows the court to also consider a report from the Judicial Branch’s family services unit that may include (1) existing or prior protection orders in the protection order registry; (2) the respondent’s outstanding arrest warrants and risk assessment from the branch’s Court Support Services Division (CSSD); (3) information about a pending or disposed family matters case involving the applicant and respondent; and (4) information on pending or past criminal cases in which the respondent was convicted of a violent crime ([PA 16-105](#), § 4, effective October 1, 2016).

## **HUMAN TRAFFICKING**

A new law makes a number of changes to combat human trafficking. Among its most significant provisions, it:

1. requires hotel, motel, inn, and similar lodging operators to (a) maintain a system to keep records of all guest transactions and receipts for at least six months and (b) ensure that their employees receive training on human trafficking when they are hired and provide ongoing awareness campaigns;
2. requires the DCF and DESPP commissioners to consult with state and national hotel and lodging associations to recommend educational and refresher training programs related to human trafficking;
3. requires each state’s attorney and municipal police chief to annually report information on trafficking cases and their anti-trafficking efforts to the Children’s and Judiciary committees;
4. requires more people to post a notice about services for human trafficking victims; and
5. requires the Judicial Branch’s family violence training program for judges, certain branch employees, and guardians ad litem to include an examination of the factors that contribute to a family being at risk of domestic violence ([PA 16-71](#), effective October 1, 2016, except the

annual reporting requirement for each state's attorney and municipal police chief is effective upon passage).

The new law also makes changes to crimes related to human trafficking (see **CRIMES AND PENALTIES** above).

## **JUVENILE COURT**

### ***Court Appointed Special Advocate***

A new law requires the Judicial Branch, within available resources, to establish a court appointed special advocate program to assist in juvenile court proceedings on neglect, abuse, custody, guardianship, or families with service needs ([PA 16-210](#), effective October 1, 2016).

### ***Juvenile Justice and Related Matters***

A new law makes several changes affecting juvenile detention and other juvenile justice matters, children returning to school after a juvenile justice placement, and other school disciplinary and related matters. For example, it:

1. limits the conditions under which a child may be detained and allows graduated sanctions as an alternative to detention;
2. requires CSSD to develop and implement a detention risk assessment instrument and adopt release policies and procedures;

3. makes changes to the Juvenile Justice Oversight and Policy Committee's responsibilities, such as requiring the committee to report to select committees on a plan for a community-based diversion system;
4. requires schools to offer an alternative educational opportunity to a larger category of expelled students;
5. requires schools with a disproportionately high truancy rate to implement an approved intervention model; and
6. requires the State Department of Education, in collaboration with other agencies, to develop plans on certain matters, such as school-based diversion initiatives and addressing educational deficiencies among children in the juvenile justice system ([PA 16-147](#), various effective dates).

## **LAW ENFORCEMENT**

### ***Body Camera Recordings Involving Minors***

A new law generally makes police body camera recordings of a minor confidential but requires disclosure if:

1. the minor and his or her parent or guardian consent to disclosure;
2. the minor or his or her parent or guardian alleges police misconduct, and the person representing the accused officer in an investigation requests disclosure solely to prepare a defense; or

3. a person is charged with a crime and his or her counsel requests disclosure solely to aid in the person's defense, provided the record's discovery as evidence is otherwise allowed.

The new law also makes other changes to how the Freedom of Information Act applies to body camera recordings, including modifying provisions on disclosing recordings of the scene of an incident involving a victim of domestic abuse, sexual abuse, a homicide, a suicide, or an accident ([PA 16-33](#), effective upon passage).

### ***Compelled Disclosure of Phone and Internet Records***

A new law allows law enforcement officials to seek ex parte court orders to compel telecommunications carriers, or electronic communication or remote computing service providers, to disclose a communication's contents or geo-location data associated with call-identifying information. It sets a higher standard for the issuance of these orders (probable cause) than the existing standard for orders to compel disclosure of call-identifying or basic subscriber information (reasonable and articulable suspicion).

Among other things, the new law also allows a carrier or service provider to disclose up to 48 hours of geo-location data without a court order, if law enforcement requests it and there are exigent circumstances ([PA 16-148](#), effective October 1, 2016).

### ***Confiscating Mini-Motorcycles, Dirt Bikes, and All-Terrain Vehicles (ATVs)***

A new law authorizes municipalities with a population of 20,000 or more to enforce ordinances concerning mini-motorcycle, dirt bike, or ATV operation by confiscating and selling at a public auction a vehicle used to violate them. This new law also adds mini-motorcycles to the list of motorized vehicles municipalities may regulate by ordinance; violations of such ordinances can be punished with a fine of up to \$1,000 for the first violation, \$1,500 for a second violation, and \$2,000 for subsequent violations ([PA 16-208](#), effective October 1, 2016).

### ***"Move Over" Law Expansion***

A new law expands the circumstances when drivers approaching emergency vehicles on a highway must slow down and move over one lane. Previously, drivers had to do so only when a stationary emergency vehicle was located on the shoulder, lane, or breakdown lane of a highway. Under this new law, a driver must also slow down and move over for emergency vehicles traveling significantly below the speed limit ([PA 16-151](#), § 3, effective July 1, 2016).

### ***Sharing Law Enforcement Personnel***

A new law, notwithstanding any statute, municipal charter, or special act, allows non-adjointing municipalities to enter into an agreement to share the

services of a resident state trooper or other law enforcement personnel. Existing law allows adjoining municipalities to share a resident state trooper and specifies municipalities' financial responsibilities with regard to such a trooper ([PA 16-144](#), § 3, effective upon passage).

### ***Special Police Forces on College Campuses***

A new law establishes special police forces on all 12 Connecticut regional community college campuses, subject to the Board of Regents for Higher Education's approval. Officers on these forces generally have the same powers as municipal police officers ([PA 16-154](#), effective July 1, 2016).

### ***Stab and Gunshot Wound Reports***

Existing law requires hospitals and certain outpatient facilities to report to the police when they treat patients for gunshot wounds. A new law requires them to also report when they treat patients for stab wounds causing serious injuries. Among other things, the new law also (1) sets requirements for how these facilities must handle evidence related to either type of injury and (2) generally provides immunity for these facilities and their employees related to this reporting ([PA 16-90](#), effective October 1, 2016).

## **MISCELLANEOUS ACTS**

### ***Affirmative Consent***

A new law requires public and private Connecticut colleges and universities to use an affirmative consent standard when determining whether sexual activity is consensual as part of their respective policies on sexual assault, stalking, and intimate partner violence. It defines "affirmative consent" as an active, clear, and voluntary agreement by a person to engage in sexual activity with another person.

The institutions' policies must include clear statements advising students and employees of the standard and describe investigatory procedures for students and employees. An official who is annually trained in these issues must conduct investigations involving student respondents. Additionally, institutions (except for Charter Oak State College) must explain the affirmative consent standard in the awareness programming they offer to students and employees ([PA 16-106](#), effective July 1, 2016).

### ***Claims Against the State and Wrongful Incarceration***

A new law makes several changes to procedures for wrongful incarceration claims, including expanding the eligibility criteria and requiring the General Assembly to review any award that exceeds \$20,000 or for which a claimant requests review. The new law sets the allowable award for an eligible

claimant at, for each year he or she was wrongfully incarcerated, an amount equal to or up to twice the median household income for the state, with discretion for the claims commissioner to decrease or increase an award amount by 25% based on an assessment of certain factors.

The new law also requires inmates to exhaust their administrative remedies before filing a claim for an injury with the claims commissioner and limits when the commissioner can waive filing fees for inmates. The new law also makes other changes to procedures governing all types of claims against the state ([PA 16-127](#), effective upon passage).

### ***Inheritance Rights and Certain Defendants***

Existing law prohibits defendants found guilty of certain crimes from (1) inheriting or receiving part of the victim's estate or (2) receiving life insurance or annuity benefits from the victim. A new law extends these prohibitions to defendants found not guilty by reason of mental disease or defect. It also adds two crimes to those covered by the prohibitions: 2<sup>nd</sup> degree manslaughter and 2<sup>nd</sup> degree manslaughter with a firearm ([PA 16-168](#), effective October 1, 2016).

### ***Neighborhood Security Fellowship and Projects***

A new law establishes (1) the Neighborhood Security Fellowship Program, which is a pilot program that identifies and recruits certain at-risk individuals to participate as fellows and (2) requirements for Neighborhood Security projects, which are certain public construction contracts that are awarded only to bidders who employ these fellows ([PA 16-4 May Special Session](#), §§ 206 & 260, effective July 1, 2016).

### ***Termination of Parental Rights***

A new law reduces the standard of proof a Superior Court or probate court judge must apply when determining whether to terminate parental rights in cases where a child was conceived as a result of a sexual assault. The new law no longer requires a guilty finding but instead allows the judge to terminate parental rights if he or she finds, upon clear and convincing evidence, that the parent committed an act that constitutes sexual assault that resulted in the conception of the child. It specifically applies to eight types of sexual assault crimes: 1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup>, and 4<sup>th</sup> degree sexual assault; 3<sup>rd</sup> degree sexual assault with a firearm; 1<sup>st</sup> degree aggravated sexual assault; aggravated sexual assault of a minor; and sexual assault in a spousal or cohabiting relationship ([PA 16-70](#), effective July 1, 2016).

## **ADDITIONAL MINOR CHANGES**

New laws make a number of additional minor changes affecting crime and public safety including:

1. [\*\*PA 16-39\*\*](#) (advanced practice registered nurses documenting medical information, including a few situations involving public safety);
2. [\*\*PA 16-43\*\*](#) (licensed health care professionals administering opioid antagonists to treat or prevent drug overdoses, without criminal liability);
3. [\*\*PA 16-55\*\*](#), § 4 (criminal records checks for motor vehicle dealers and repairers);
4. [\*\*PA 16-65\*\*](#), §§ 55 & 56 (limiting a parent's or guardian's authority to freeze his or her child's credit report to children under age 16, instead of 17, and making several changes to procedures for security freezes of minor's credit reports);
5. [\*\*PA 16-131\*\*](#), § 1 (criminal records checks for household members age 16 or older living in homes providing child care services); and
6. [\*\*PA 16-160\*\*](#) (suspending fishing, hunting, and trapping licenses for violations of certain hunting and fishing laws when a person cited for the violation fails to appear in court or pay or plea to an infraction and an arrest warrant is issued).

CR:bs