



Acts Affecting Criminal Justice and Public Safety

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Notice to Readers

This report provides brief highlights of new laws (Public Acts and Special Acts) affecting crime and public safety enacted during the 2018 regular legislative session. Each entry indicates the public act (PA) or special act (SA) number. We do not include vetoed public acts, unless the legislature overrode the governor's veto. The report does not include bonding provisions.

Not all provisions of the acts are included here. Complete summaries of all 2018 public acts will soon be available on OLR's website (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/).

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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>Felony or Misdemeanor</i>	<i>Prison Term</i>	<i>Fine</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 st 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

Crimes and Penalties

Aggravated Assault of a Public Transit Employee

A new law creates a specific class C felony offense with a maximum fine of \$20,000 for aggravated assault of a public transit employee. Under the new law, such aggravated assault is committed when a person assaults a public transit employee and in doing so uses, is armed with and threatens to use, or displays or represents by words or conduct that he or she has a knife, box-cutter, or firearm ([PA 18-167](#), § 11, effective October 1, 2018).

Bump Stocks

A new law generally makes it a class D felony for anyone to sell, transfer, purchase, possess, use, or manufacture a “rate of fire enhancement” (e.g., a bump stock). The new law, among other things:

1. exempts manufacturers fulfilling military contracts;
2. provides a 90-day grace period for individuals who move into the state, or military personnel returning from deployment, to render their bump stock permanently inoperable, remove it from Connecticut, or surrender it to DESPP;
3. reduces the penalty to a class D misdemeanor for certain first time offenders who possess valid firearms permits or eligibility certificates; and
4. gives the court specific discretion to suspend prosecution for violations not serious in nature ([PA 18-29](#), most provisions effective October 1, 2018).

Cigarette and Tobacco Tax Violations

A new law increases civil and criminal penalties for various offenses related to cigarette and tobacco products sales. Among other things, it increases, from a class D to a class C felony, the penalties for:

1. repeat violations of the cigarette shipment or transport law;
2. willful attempt to evade cigarette taxes or failing to pay the taxes on 20,000 or more cigarettes;
3. illegal sales of untaxed tobacco products that would be taxed at least \$2,500 and willful attempt to evade tobacco products taxes or failing to pay tobacco product taxes of \$2,500 or more; and

4. willful delivery or disclosure to the Department of Revenue Services (DRS) of fraudulent or false cigarette or tobacco products tax documents.

It increases penalties for selling (1) cigarettes or taxed tobacco products without a DRS license, (2) untaxed cigarettes or tobacco products, and (3) improperly packaged cigarettes. It also (1) expands the definition of racketeering activity under the Corrupt Organizations and Racketeering Act to include willfully attempting to evade cigarette taxes or failing to pay the taxes on 20,000 or more cigarettes and (2) removes from the definition possessing, transporting for sale, selling, or offering for sale 20,000 or more cigarettes in certain stamped or illegally stamped packages ([PA 18-25](#), §§ 1-8, effective July 1, 2018).

Doctors of Physical Therapy

Under a new law, it is a class D felony for someone without the proper credentials to refer to himself or herself as a “Doctor of Physical Therapy” or “D.P.T.” ([PA 18-168](#), § 67, effective July 1, 2018).

Improper Use of Driver’s Licenses and Vehicle Registrations

The legislature increased, from \$100 to \$500, the maximum criminal fine for (1) using another person’s vehicle registration or driver’s license or (2) using a vehicle registration on a vehicle other than the one for which it was issued ([PA 18-164](#), § 27, effective October 1, 2018).

Private Property Owners Issuing Parking Tickets

A new law prohibits private property owners and lessees from issuing parking tickets to owners of vehicles parked on their property. Violators face (1) a \$50 fine for a first offense and (2) for subsequent offenses, a \$50 to \$100 fine, up to 30 days in prison, or both. Private property owners and lessees are still permitted to tow or render immovable (i.e., “boot”) unauthorized vehicles left on their property ([PA 18-164](#), § 15, effective October 1, 2018).

Robocalls and Spoofing

A new law makes it a class A misdemeanor for someone to intentionally use a blocking device or service to circumvent a Connecticut customer's caller ID to transmit certain unsolicited recorded messages through devices that do not immediately disconnect when the customer hangs up (e.g., robocalls) ([PA 18-135](#), effective October 1, 2018).

Sewage Spill Notice

The legislature passed a law requiring operators of sewage treatment plants, water pollution control facilities, related pumping stations, collections systems, or other public sewage works to electronically report to the Department of Energy and Environmental Protection (DEEP) within two hours of becoming aware of a sewage spill. And if the spill exceeds 5,000 gallons, they must also notify the chief elected municipal official where the spill occurred and the municipality must then notify the public and downstream public officials. The new law imposes civil or criminal penalties, depending on the severity of the violation, for failing to report as required ([PA 18-97](#), effective upon passage).

Snapping and Red-Eared Slider Turtles

A new law prohibits the (1) commercial trade in snapping turtles until DEEP adopts applicable regulations; (2) import of red-eared slider turtles, with two exceptions; and (3) release of red-eared slider turtles to Connecticut's land or waters. The exceptions for importing red-eared slider turtles are for (1) scientific or educational institutions and (2) buying or selling turtles with unique color patterns. A violation is a class C misdemeanor ([PA 18-114](#), effective October 1, 2018).

Criminal Background Checks

Care 4 Kids and Relative Caregivers

The legislature enacted a new law that exempts relatives who provide child care and are Care 4 Kids recipients from comprehensive background checks, including state and national criminal history records checks, and instead requires them to submit to other types of background checks, including the Connecticut Online Law Enforcement Communication Teleprocessing System ([PA 18-172](#), § 7, effective July 1, 2018).

Contracting for Fingerprinting Services

A new law allows the DESPP commissioner to enter into agreements with independent contractors to electronically take and transmit fingerprints and demographic information to the State Police Bureau of Identification for processing criminal history record checks ([PA 18-161](#), § 1, effective July 1, 2018).

DDS Facility Background Search Program

Existing law requires the Department of Developmental Services (DDS) to conduct state criminal background checks on any job applicant who will provide direct services to people with intellectual disability. A new law also subjects these applicants to fingerprinting and national criminal background checks.

The new law also allows DDS to subject private providers licensed or funded by the department to state criminal background checks. Prior law allowed DDS to subject private subcontractors to these checks. Additionally, the new law allows DDS and private providers to employ applicants on a conditional basis until they receive and review the background check results, which prior law prohibited ([PA 18-168](#), § 52, effective October 1, 2018).

Criminal Procedure

Bail Bond Termination and Release

A new law adds to the circumstances under which a posted bail bond in a criminal proceeding must be automatically terminated and released to include when the defendant is admitted to a diversionary program for young people charged with certain motor vehicle or alcohol-related offenses ([PA 18-75](#), § 14, effective upon passage.)

Competency to Stand Trial

A new law decreases how often certain criminal defendants deemed incompetent to stand trial must be examined. Generally, this legislation covers defendants charged with certain sex offenses or crimes that resulted in death or serious physical injury.

Under prior law, the court could order periodic competency examinations as often as every six months as a condition of release or placement for a defendant deemed incompetent despite treatment to restore competency. Under the new law, the minimum interval between examinations increases to 18 months if, after the initial periodic examination, the court again finds a substantial probability that the defendant will never regain competency even with treatment. Under existing law, periodic examinations must continue until the (1) defendant attains competency or (2) time within which the defendant may be charged for the alleged crime expires, whichever occurs first ([PA 18-134](#), effective October 1, 2018).

Newly Discovered Evidence

Existing law generally prohibits individuals from petitioning for a new trial in a civil or criminal proceeding if three years or more have passed since the court rendered the judgment, but grants an exception if the petition is based on DNA evidence that was not discoverable or available at the time of the original trial. A new law (1) specifies that the exception based on DNA evidence applies only to criminal proceedings and (2) allows for that exception only if the DNA evidence was not discoverable or available (a) at the original trial or (b) at any previous petition for a new trial based on DNA or other newly discovered evidence. It also allows for additional exceptions to the three-year limit for other newly discovered evidence and permits the court to grant these petitions if it finds that, had such evidence been presented at trial, there is a reasonable likelihood there would have been a different trial outcome ([PA 18-61](#), effective October 1, 2018).

Post-Conviction Release

A new law eliminates an obsolete provision from a law on post-conviction release on bond of certain defendants awaiting sentencing or appeal. Removing the provision conforms to a court case that held the language to be unconstitutional (*State v. McCahill*, 261 Conn. 492 (2002)) ([PA 18-127](#), effective upon passage).

Domestic Violence

Dominant Aggressor in Family Violence Complaints

A new law (1) requires a peace officer, when responding to a family violence complaint made by two or more opposing parties, to arrest the person the officer determines is the dominant aggressor and (2) gives the officer immunity from civil liability based on these actions. It establishes the factors a peace officer must consider in determining who the dominant aggressor is, such as the need to protect domestic violence victims, whether one person acted to defend himself or herself or a third person, and the relative degree of any injury. The act does not prohibit dual arrests, but discourages them when appropriate ([PA 18-5](#), effective January 1, 2019).

Juvenile Justice

Transfer of Juvenile Services from DCF to the Court Support Services Division (CSSD)

Starting on July 1, 2018, a new law transfers legal authority from the Department of Children and Families (DCF) to the judicial branch over any child who was committed to DCF as a delinquent pursuant to a juvenile court order entered before that date. The branch's CSSD must, in turn,

assume responsibility for supervising the children and may exercise its powers, duties, and functions to provide such supervision. Existing law prohibits the juvenile court, starting July 1, 2018, from committing a child to DCF as a result of a delinquency adjudication.

The new law also makes numerous other changes in the juvenile justice and related statutes. For example, it (1) makes changes in laws related to educating individuals involved in the juvenile justice system (such as requiring certain school districts to designate a liaison to facilitate transitions between the district and the juvenile justice system); (2) limits and modifies the ways that the juvenile court may dispose of a delinquency adjudication; (3) modifies the probation conditions the court may order; and (4) makes numerous conforming changes ([PA 18-31](#), most sections are effective on July 1, 2018).

Law Enforcement

Child Care Center Emergency Contact Information

A new law requires licensed child care centers, group child care homes, and family child care homes to give their contact information to the Office of Early Childhood (OEC), rather than the police department with jurisdiction of the location, and requires OEC to share this information through a memorandum of understanding with DESPP to be used in an emergency notification system that notifies the provider when the safety or welfare of the children at the centers or homes may be endangered ([PA 18-172](#), § 6, effective July 1, 2018).

Connecticut Airport Authority (CAA) Appointing a Police Officer

A new law allows the DESPP commissioner to commission, upon CAA's application, one person to serve as a sworn police officer with arrest powers on property, business, and airplanes owned or controlled by the authority ([PA 18-142](#), effective upon passage).

Law Enforcement Recording Equipment Grant Program Expansion

A new law expands the types of equipment eligible for reimbursement, within available resources, under a law enforcement recording equipment grant program administered by the Office of Policy and Management.

The new law (1) expands the program to include reimbursing municipalities that replace dashboard cameras purchased before December 31, 2010, with those with a remote recorder in FYs 17 and 18; (2) requires municipalities that are not reimbursed for such replacement dashboard cameras to

be reimbursed, within available resources, for up to 50% of the costs for cameras purchased in FY 19; and (3) extends the deadline, from the end of FY 17 to the end of FY 18, to purchase digital data storage devices or services eligible for reimbursement ([PA 18-107](#), effective upon passage).

Minimum Standards and Practices for Administering and Managing Law Enforcement

Under a new law, the Police Officer Standards and Training Council (POST) and the DESPP commissioner, within available appropriations, must jointly develop, adopt, and revise, as necessary, minimum standards and practices for administering and managing law enforcement units. Beginning January 1, 2019, the new law requires those units to adopt and maintain (1) the minimum standards and practices developed by POST or (2) a higher level of accreditation standards developed by POST or the Commission on Accreditation for Law Enforcement Agencies, Inc.

The new law requires POST and the DESPP commissioner to develop a process for reviewing compliance, including a certificate of compliance. Additionally, it prohibits a civil action from being brought against a law enforcement unit for damages arising from failure to adopt and maintain the minimum standards and practices or a higher level of accreditation standards ([PA 18-161](#), § 2, effective January 1, 2019).

Opioid Antagonist Distribution Agreement

A new law authorizes prescribers and pharmacists authorized to prescribe naloxone to enter into an agreement with a law enforcement agency, EMS provider, government agency, or community health organization concerning the distribution and administration of opioid antagonists. Among other things, the new law requires the prescribers and pharmacists to provide training to the individuals who will distribute or administer opioid antagonists under such an agreement ([PA 18-166](#), § 3, effective July 1, 2018).

Police Escorts During Transport of Certain Housing Structures

A new law requires the Department of Transportation (DOT) to establish a one-year pilot program (beginning July 1, 2018) to allow vehicles to transport certain oversize loads (e.g., motor homes or modular homes) on limited access highways (other than I-95) during daylight hours. DOT may grant permits for such travel only if (1) the transporting vehicle has three police vehicle escorts and (2) the travel does not obstruct DOT's or any municipality's construction or maintenance activities. Under the law, the police escort is responsible for assuring compliance with the permit granted by DOT ([PA 18-167](#), § 10, effective upon passage).

Police Pursuits

A new law requires POST to develop standardized forms for (1) reporting each police pursuit and (2) submitting annual reports on such pursuits.

Beginning January 1, 2019, the new law requires the DESPP commissioner and local police chiefs to require each police officer who engages in a pursuit to report it using POST's standard form. And beginning by January 31, 2020, the DESPP commissioner and local police chiefs must submit an annual report to POST regarding pursuits by their police officers. By April 30, 2020, and annually thereafter, POST must compile, analyze, and summarize the annual reports and submit a consolidated police pursuit report with any legislative recommendations to the Public Safety and Security Committee ([PA 18-161](#), § 3, effective October 1, 2018).

Reports of Fatal Accidents

A new law requires the police or other investigators of fatal motor vehicle accidents to refer the case to the state's attorney in the district where the accident took place if they are unable to determine the accident's cause. It also allows the state's attorney to refer the matter to the State Police for review and further investigation. For fatal accidents, this new law also requires the accident report to include, if possible and practicable, a conclusion as to the accident's cause ([PA 18-3](#), effective October 1, 2018).

Prison

Department of Correction (DOC)

A new law makes various changes in the statutes governing DOC. Among these changes, it:

1. requires the DOC commissioner, within available appropriations, to establish a wellness initiative for correctional facility employees who interact with inmates;
2. requires the commissioner or his designee, instead of the warden at the correctional facility where an inmate will be released, to review the inmate's records and verify that the inmate earned any risk reduction credits being applied to reduce his or her sentence; and
3. makes the Office of Policy and Management's Criminal Justice Policy and Planning Division, instead of the DOC commissioner, primarily responsible for quarterly reporting to the legislature about earned risk reduction credits awarded to reduce an inmate's sentence ([PA 18-155](#), effective October 1, 2018, except the wellness initiative provision is effective July 1, 2018).

Pilot Methadone Treatment Program

Prior law allowed DOC to initiate an 18-month pilot treatment program for methadone maintenance and other drug therapies at correctional facilities. A new law extends the program, expands its scope if federal funds are available, and requires a new report on the program's results by July 1, 2019.

It also requires DOC, by January 15, 2019, and in consultation with specified agencies, to review the pilot program and report on specified matters, such as a comprehensive plan for expanding the program to serve all state inmates with opioid use disorders. If federal funds are available, DOC must expand the pilot program, including offering the program to additional facilities, increasing the number of inmates with access, or providing partial opioid agonists through the program ([PA 18-166](#), §§ 6 & 7, effective upon passage).

Pregnant Inmates

The legislature made several changes in laws that govern DOC's treatment of inmates, primarily establishing new requirements applicable to pregnant inmates. Among other things, the new law:

1. requires that each inmate admitted to the York Correctional Institution (the state's only correctional institution for female offenders) be assessed for pregnancy upon admission to the institution;
2. gives pregnant inmates the right to receive specified services and supplies, including counseling, medical care, and appropriate clothing and sanitary materials; and
3. generally prohibits the use of restraints on pregnant inmates, including during transportation, labor and delivery, and during the postpartum period, and requires written documentation when certain restraints are used ([PA 18-4](#), most provisions effective October 1, 2018).

Special Parole

A new law makes changes in sentencing laws as they pertain to special parole. "Special parole" is parole ordered by the court as part of the sentence when someone is convicted of a crime. The judge can require a period of special parole under supervision after an offender completes his or her maximum prison sentence.

Specifically, the new law:

1. eliminates special parole as a sentencing option for convictions of offenses related to dependency-producing drugs;
2. prohibits the court from imposing a period of special parole unless it determines that special parole is necessary to ensure public safety; and
3. allows the Board of Pardons and Paroles to discharge, from DOC custody, a person on special parole who the board believes will lead an orderly life ([PA 18-63](#), effective October 1, 2018).

Task Forces, Working Groups, and Studies

Body-Worn Recording Equipment Task Force

[PA 17-225](#) established a task force to examine the use of body-worn recording equipment by state and local police in accordance with the law. A new law expands the task force's charge by requiring it to examine under what circumstances, if any, (1) a police officer should be permitted to review a recording from such equipment before giving a formal statement about his or her or another officer's use of force and (2) members of the public or alleged victims or their family members should be permitted to review a recording from such equipment during an investigation or following an allegation that a police officer used excessive force. The new law also extends the task force's reporting deadline from February 1, 2018, to January 1, 2019 ([PA 18-187](#), effective upon passage).

Courthouse Security Review

Under a new law, the Chief Court Administrator must cause an internal review to be made of the security procedures at courthouses, and by January 1, 2019, make any recommendations for legislation to enhance such security to the Judiciary Committee ([SA 18-11](#), effective upon passage).

Opioid Intervention Court Feasibility Study

A new law requires the Chief Court Administrator, in consultation with the Chief Public Defender, Chief State's Attorney, and the UConn School of Law's dean, or their designees, to study the feasibility of establishing one or more courts that specialize in hearing criminal or juvenile matters where a defendant is an opioid-dependent person who could benefit from intensive court monitoring and a substance abuse treatment program. By January 1, 2019, the Chief Court Administrator or his designee must report the results of the study to the Judiciary Committee ([PA 18-166](#), § 1, effective upon passage).

Reentry Housing Working Group

A new law requires the Commission on Equity and Opportunity to convene a working group to (1) study housing options for people reentering the community after being released from prison and (2) recommend an evidence-based housing policy for these individuals. The working group must submit its recommendations to the Housing Committee by January 1, 2019 ([SA 18-14](#), effective upon passage).

Victim Rights and Services

Sexual Assault Evidence Collection Procedures

Under a new law, health care facilities that collect sexual assault evidence must contact a sexual assault counselor when a person who identifies himself or herself as a sexual assault victim arrives at the facility. The new law also requires (1) DESPP, by October 1, 2018, to implement an electronic tracking system for sexual assault evidence collection kits and (2) the Commission on the Standardization of the Collection of Evidence in Sexual Assault Investigations to develop guidelines on how to use the kits and policies and procedures to ensure that each victim has access to information about his or her kit ([PA 18-83](#), effective July 1, 2018).

Sexual Assault Victims' Identifying Information

A new law extends to victims of aggravated sexual assault of a minor specified protections that existing law gives to certain sexual assault and other victims regarding the confidentiality of their names and other personal information. For example, the act limits the circumstances in which courts can require the victim to divulge his or her address or phone number during a trial or pretrial evidentiary hearing ([PA 18-75](#), §§ 15 & 16, effective October 1, 2018).

Victim Restitution

A new law requires the court, when sentencing an individual who was convicted of a criminal offense, to inquire on the record whether there are any requests from victims for restitution. Existing law, unchanged by the new legislation, requires the court to order an offender to make financial restitution, under terms that it determines are appropriate, if the (1) individual was convicted of an offense that resulted in injury to another person or property; (2) victim requests financial restitution; and (3) court finds that the victim suffered injury or property damage as a result of the offense ([PA 18-128](#), effective October 1, 2018).

Miscellaneous

Affirmative Defense for Entering a Vehicle to Remove an Animal

Under certain circumstances, a new law provides an affirmative defense against civil damages or criminal penalties to someone who enters a passenger motor vehicle, including by the use of force, to remove an animal who he or she reasonably believes is in imminent danger of serious bodily injury. Existing law provides such a defense, subject to the same conditions, to someone who enters a vehicle to remove a child ([PA 18-164](#), § 16, effective October 1, 2018).

Causing an Accident while Tailgating

By law, failing to drive a reasonable distance apart from another vehicle (“tailgating”) is an infraction. A new law creates a separate, higher penalty (a fine ranging from \$100 to \$200) for causing an accident while tailgating ([PA 18-164](#), § 29, effective October 1, 2018).

DCF Records Disclosures

A new law expands the circumstances under which DCF must disclose its records to the Chief State’s Attorney’s Office without a subject’s consent. Under the new law, the department must make such disclosures for investigating or prosecuting alleged benefits fraud, provided no information identifying the subject is disclosed unless the information is essential to the investigation or prosecution. Existing law additionally requires DCF to make such disclosures to the Chief State’s Attorney’s Office in order to investigate or prosecute allegations (1) related to child abuse or neglect, (2) that an individual falsely reported suspected child abuse or neglect, or (3) that a mandated reporter failed to report child abuse or neglect ([PA 18-111](#), § 4, effective July 1, 2018).

Helmets for Children Bicycling, Skateboarding, Skating, and Scootering

A new law requires children under age 16 to wear protective headgear whenever they use a bicycle, skateboard, roller skates, in-line skates, or non-motorized scooter on a public road or at any park. Under prior law, helmets were only required when children bicycled on a public road. By law, failure to wear protective headgear is not considered a violation or an offense and cannot be considered contributory negligence by a parent or a child or be admissible in any civil action ([PA 18-167](#), § 12, effective October 1, 2018).

Ignition Interlock Devices (IID) for Indigent Offenders

A new law allows IID service providers to reduce or eliminate charges for IID installation, maintenance, removal, or other services that they provide to eligible indigent offenders, regardless of any law requiring that such offenders bear such costs. The law applies to indigent offenders whose IID use is required as a result of driving under the influence (DUI) and other specified offenses ([PA 18-30](#), effective October 1, 2018).

Immunity from Liability for Providing Medical Assistance or Intervention in a Child Abuse or Neglect Case

A new law provides immunity from civil and criminal liability to any person, institution, or agency that, in good faith, provides professional medical intervention or assistance in any proceeding involving child abuse or neglect. The immunity applies to liability that might otherwise arise from, or is related to, certain specified actions (e.g., performing a medically relevant test).

The new law also eliminates immunity for any person, institution, or agency that, in good faith, does not report suspected child abuse or neglect or alleged sexual assault of a student to the Department of Children and Families (DCF) or law enforcement in compliance with the state's mandated reporter laws ([PA 18-57](#), effective July 1, 2018, and applicable to any civil action pending or filed on or after that date).

Security Officer License Applicants

A new law establishes conditions under which security services may employ applicants for a security officer license to work as security officers while their applications are pending. Under prior law, only individuals licensed by the DESPP commissioner could be hired as, and perform the duties of, security officers ([PA 18-20](#), effective July 1, 2018).

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