



General Assembly

Raised Bill No. 6948

January Session, 2015

LCO No. 4288



Referred to Committee on PLANNING AND DEVELOPMENT

Introduced by:
(PD)

AN ACT CONCERNING NUISANCE ABATEMENT.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 19a-343 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2015*):

3 (a) For the purposes of sections 19a-343 to 19a-343h, inclusive, a
4 person creates or maintains a public nuisance if such person erects,
5 establishes, maintains, uses, owns or leases any real property or
6 portion thereof for (1) any of the purposes enumerated in subdivisions
7 (1) to (6), inclusive, of subsection (c) of this section, or (2) on which any
8 of the offenses enumerated in subdivisions (1) to (14), inclusive, of
9 subsection (c) of this section have occurred.

10 (b) The state has the exclusive right to bring an action to abate a
11 public nuisance under this section and sections 19a-343a to 19a-343h,
12 inclusive, involving any real property or portion thereof, commercial
13 or residential, including single or multifamily dwellings, provided
14 there have been three or more arrests, the issuance of three or more
15 arrest warrants indicating a pattern of criminal activity and not

16 isolated incidents or the issuance of three or more citations for a
17 violation of a municipal ordinance as described in subdivision (14) of
18 subsection (c) of this section, for conduct on the property documented
19 by a law enforcement officer for any of the offenses enumerated in
20 subdivisions (1) to (14), inclusive, of subsection (c) of this section
21 within the three hundred sixty-five days preceding commencement of
22 the action.

23 (c) Three or more arrests, the issuance of three or more arrest
24 warrants indicating a pattern of criminal activity and not isolated
25 incidents or the issuance of three or more citations for a violation of a
26 municipal ordinance as described in subdivision (14) of this
27 subsection, for the following offenses shall constitute the basis for
28 bringing an action to abate a public nuisance:

29 (1) Prostitution under section 53a-82, 53a-83, 53a-86, 53a-87, 53a-88
30 or 53a-89.

31 (2) Promoting an obscene performance or obscene material under
32 section 53a-196 or 53a-196b, employing a minor in an obscene
33 performance under section 53a-196a, importing child pornography
34 under section 53a-196c, possessing child pornography in the first
35 degree under section 53a-196d, possessing child pornography in the
36 second degree under section 53a-196e or possessing child pornography
37 in the third degree under section 53a-196f.

38 (3) Transmission of gambling information under section 53-278b or
39 53-278d or maintaining of a gambling premises under section 53-278e.

40 (4) Offenses for the sale of controlled substances, possession of
41 controlled substances with intent to sell, or maintaining a drug factory
42 under section 21a-277, 21a-278 or 21a-278a or use of the property by
43 persons possessing controlled substances under section 21a-279.
44 Nothing in this section shall prevent the state from also proceeding
45 against property under section 21a-259 or 54-36h.

46 (5) Unauthorized sale of alcoholic liquor under section 30-74, [or]

47 disposing of liquor without a permit under section 30-77, the sale or
48 delivery of alcoholic liquor to a minor under subdivision (1) of
49 subsection (b) of section 30-86, or the sale, shipment, delivery or giving
50 of alcoholic liquor to a minor under subdivision (2) of subsection (b) of
51 section 30-86.

52 (6) Maintaining a motor vehicle chop shop under section 14-149a.

53 (7) Inciting injury to persons or property under section 53a-179a.

54 (8) Murder or manslaughter under section 53a-54a, 53a-54b, 53a-55,
55 53a-56 or 53a-56a.

56 (9) Assault under section 53a-59, 53a-59a, subdivision (1) of
57 subsection (a) of section 53a-60 or section 53a-60a or 53a-61.

58 (10) Sexual assault under section 53a-70 or 53a-70a.

59 (11) Fire safety violations under section 29-292, subsection (b) of
60 section 29-310, or section 29-315, 29-320, 29-329, 29-337, 29-349 or 29-
61 357.

62 (12) Firearm offenses under section 29-35, 53-202aa, 53-203, 53a-211,
63 53a-212, 53a-216, 53a-217 or 53a-217c.

64 (13) Illegal manufacture, sale, possession or dispensing of a drug
65 under subdivision (2) of section 21a-108.

66 (14) Violation of a municipal ordinance resulting in the issuance of a
67 citation for (A) excessive noise on nonresidential real property that
68 significantly impacts the surrounding area, provided the
69 municipality's excessive noise ordinance is based on an objective
70 standard, (B) owning or leasing a dwelling unit that provides residence
71 to an excessive number of unrelated persons resulting in dangerous or
72 unsanitary conditions that significantly impact the safety of the
73 surrounding area, or (C) impermissible operation of (i) a business that
74 permits persons who are not licensed pursuant to section 20-206b to

75 engage in the practice of massage therapy, or (ii) a massage parlor, as
76 defined by the applicable municipal ordinance, that significantly
77 impacts the safety of the surrounding area.

This act shall take effect as follows and shall amend the following sections:		
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Section 1	<i>October 1, 2015</i>	19a-343
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PD

Joint Favorable C/R

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