



Substitute Senate Bill No. 1093

Public Act No. 21-33

AN ACT CONCERNING CIVILIAN POLICE REVIEW BOARDS, SECURITY GUARDS, BODY-WORN RECORDING EQUIPMENT, SEARCHES BY POLICE, LIMITATIONS ON OFFENSES SUBJECT TO AUTOMATIC ERASURE, ENTICING A JUVENILE TO COMMIT A CRIME, LAWFUL ORDERS BY POLICE OFFICERS AND NOTICE TO A VICTIM CONCERNING AUTOMATIC ERASURE OF CRIMINAL RECORD HISTORY.

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

Section 1. Section 7-294aaa of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2021*):

(a) The legislative body of a town may, by ordinance, establish a civilian police review board. The ordinance shall, at a minimum, prescribe: (1) The scope of authority of the civilian police review board; (2) the number of members of the civilian police review board; (3) the process for the selection of board members, whether elected or appointed; (4) the term of office for board members; and (5) the procedure for filling any vacancy in the membership of the civilian police review board.

(b) Any civilian police review board established pursuant to subsection (a) of this section may be vested with the authority to: (1) Issue subpoenas to compel the attendance of witnesses before such

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board; and (2) require the production for examination of any books and papers that such board deems relevant to any matter under investigation or in question.

(c) (1) The person to whom such subpoena is issued may, not later than fifteen days after service of such subpoena, or on or before the time specified in the subpoena for compliance if such time is less than fifteen days after service, serve upon the board written objection to the subpoena and file such objection in the Superior Court which shall adjudicate such objection in accordance with the rules of the court.

(2) If the person to whom such subpoena is issued fails to appear or if having appeared refuses to testify or produce the evidence required by such subpoena, the Superior Court, upon application of such board, shall have jurisdiction to order such person to appear or to give testimony or produce such evidence, as the case may be.

~~[(c)]~~ (d) The provisions of this section shall not be construed to affect the operation of, or impose any limitation upon, a civilian police review board established prior to July 31, 2020.

~~[(d)]~~ (e) Upon receipt of a written request from the Office of the Inspector General, established pursuant to section 51-277e, a civilian police review board shall stay and take no further action in connection with any proceeding that is the subject of an investigation or criminal prosecution that is being conducted pursuant to said section or section 51-277a. Any stay of proceedings imposed pursuant to this subsection shall not exceed six months from the date on which the civilian police review board receives such written request from the Office of the Inspector General, and such stay of proceedings may be terminated sooner if the Office of the Inspector General provides written notification to the civilian police review board that a stay of proceedings is no longer required.

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Sec. 2. Subsection (f) of section 29-6d of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2021*):

(f) (1) If a police officer is giving a formal statement about the use of force or if a police officer is the subject of a disciplinary investigation in which a recording from body-worn recording equipment or a dashboard camera with a remote recorder, as defined in subsection (c) of section 7-277b, is being considered as part of a review of an incident, the officer shall ~~[(1)]~~ have the right to review (A) such recording in the presence of the officer's attorney or labor representative, and ~~[(2)]~~ have the right to review (B) recordings from other body-worn recording equipment capturing the officer's image or voice during the incident. Not later than forty-eight hours following an officer's review of a recording under subparagraph (A) of this subdivision, ~~[(1) of this subsection,]~~ or if the officer does not review the recording, not later than ninety-six hours following the ~~[recorded incident]~~ initiation of such disciplinary investigation, whichever is earlier, such recording shall be disclosed, upon request, to the public, subject to the provisions of subsection (g) of this section.

(2) If a request is made for public disclosure of a recording from body-worn recording equipment or a dashboard camera of an incident about which (A) a police officer has not been asked to give a formal statement about the alleged use of force, or (B) a disciplinary investigation has not been initiated, any police officer whose image or voice is captured on the recording shall have the right to review such recording in the presence of the officer's attorney or labor representative. Not later than forty-eight hours following an officer's review of a recording under this subdivision, or if the officer does not review the recording, not later than ninety-six hours following the request for disclosure, whichever is earlier, such recording shall be disclosed to the public, subject to the provisions of subsection (g) of this section.

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Sec. 3. Subsection (f) of section 29-6d of the general statutes, as amended by section 19 of public act 20-1 of the July special session, is repealed and the following is substituted in lieu thereof (*Effective July 1, 2022*):

(f) (1) If a police officer is giving a formal statement about the use of force or if a police officer is the subject of a disciplinary investigation in which a recording from body-worn recording equipment or a dashboard camera is being considered as part of a review of an incident, the officer shall ~~[(1)]~~ have the right to review (A) such recording in the presence of the officer's attorney or labor representative, and ~~[(2)]~~ have the right to review (B) recordings from other body-worn recording equipment capturing the officer's image or voice during the incident. Not later than forty-eight hours following an officer's review of a recording under subparagraph (A) of this subdivision, ~~[(1) of this subsection,]~~ or if the officer does not review the recording, not later than ninety-six hours following the ~~[recorded incident]~~ initiation of such disciplinary investigation, whichever is earlier, such recording shall be disclosed, upon request, to the public, subject to the provisions of subsection (g) of this section.

(2) If a request is made for public disclosure of a recording from body-worn recording equipment or a dashboard camera of an incident about which (A) a police officer has not been asked to give a formal statement about the alleged use of force, or (B) a disciplinary investigation has not been initiated, any police officer whose image or voice is captured on the recording shall have the right to review such recording in the presence of the officer's attorney or labor representative. Not later than forty-eight hours following an officer's review of a recording under this subdivision, or if the officer does not review the recording, not later than ninety-six hours following the request for disclosure, whichever is earlier, such recording shall be disclosed to the public, subject to the provisions of subsection (g) of this section.

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Sec. 4. Subsection (c) of section 29-161h of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2021*):

(c) No license shall be issued to any person who has been (1) convicted of any felony, (2) convicted of any misdemeanor under section 21a-279, 53a-58, 53a-61, 53a-61a, 53a-62, 53a-63, 53a-96, 53a-175, 53a-176, 53a-178 or 53a-181d, or equivalent conviction in another jurisdiction, within the past seven years, (3) convicted of any offense involving moral turpitude, (4) discharged from military service under conditions that demonstrate questionable moral character, or (5) decertified as a police officer or otherwise had his or her certification canceled, revoked or refused renewal pursuant to subsection (c) of section 7-294d, as amended by this act, or under the laws of any other jurisdiction.

Sec. 5. Section 29-161q of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2021*):

(a) Any security service or business may employ as many security officers as such security service or business deems necessary for the conduct of the business, provided such security officers are of good moral character and at least eighteen years of age.

(b) No person hired or otherwise engaged to perform work as a security officer, as defined in section 29-152u, shall perform the duties of a security officer prior to being licensed as a security officer by the Commissioner of Emergency Services and Public Protection, except as provided in subsection (h) of this section. Each applicant for a license shall complete a minimum of eight hours training in the following areas: Basic first aid, search and seizure laws and regulations, use of force, basic criminal justice and public safety issues. The commissioner shall waive such training for any person who, while serving in the armed forces or the National Guard, or if such person is a veteran, within two

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years of such person's discharge from the armed forces, presents proof that such person has completed military training that is equivalent to the training required by this subsection, and, if applicable, such person's military discharge document or a certified copy thereof. For the purposes of this subsection, "veteran" means any person who was discharged or released under conditions other than dishonorable from active service in the armed forces, "armed forces" has the same meaning as provided in section 27-103, and "military discharge document" has the same meaning as provided in section 1-219. The training shall be approved by the commissioner in accordance with regulations adopted pursuant to section 29-161x. The commissioner may not grant a license to any person who has been decertified as a police officer or otherwise had his or her certification canceled, revoked or refused renewal pursuant to subsection (c) of section 7-294d, as amended by this act, or under the laws of any other jurisdiction.

(1) On and after October 1, 2008, no person or employee of an association, corporation or partnership shall conduct such training without the approval of the commissioner except as provided in subdivision (2) of this subsection. Application for such approval shall be submitted on forms prescribed by the commissioner and accompanied by a fee of forty dollars. Such application shall be made under oath and shall contain the applicant's name, address, date and place of birth, employment for the previous five years, education or training in the subjects required to be taught under this subsection, any convictions for violations of the law and such other information as the commissioner may require by regulation adopted pursuant to section 29-161x to properly investigate the character, competency and integrity of the applicant. No person shall be approved as an instructor for such training who has been convicted of a felony, a sexual offense or a crime of moral turpitude or who has been denied approval as a security service licensee, a security officer or instructor in the security industry by any licensing authority, or whose approval has been revoked or

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suspended. The term for such approval shall not exceed two years. Not later than two business days after a change of address, any person approved as an instructor in accordance with this section shall notify the commissioner of such change and such notification shall include both the old and new addresses.

(2) If a security officer training course described in this subsection is approved by the commissioner on or before September 30, 2008, the instructor of such course shall have until April 1, 2009, to apply for approval as an instructor in accordance with subdivision (1) of this subsection.

(3) Each person approved as an instructor in accordance with this section may apply for the renewal of such approval on a form approved by the commissioner, accompanied by a fee of forty dollars. Such form may require the disclosure of any information necessary for the commissioner to determine whether the instructor's suitability to serve as an instructor has changed since the issuance of the prior approval. The term of such renewed approval shall not exceed two years.

(c) Not later than two years after successful completion of the training required pursuant to subsection (b) of this section, or the waiver of such training, the applicant may submit an application for a license as a security officer on forms furnished by the commissioner and, under oath, shall give the applicant's name, address, date and place of birth, employment for the previous five years, experience in the position applied for, including military training and weapons qualifications, any convictions for violations of the law and such other information as the commissioner may require, by regulation, to properly investigate the character, competency and integrity of the applicant. The commissioner shall require any applicant for a license under this section to submit to state and national criminal history records checks conducted in accordance with section 29-17a. Each applicant shall submit with the application two sets of his or her fingerprints on forms specified and

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furnished by the commissioner, two full-face photographs, two inches wide by two inches high, taken not earlier than six months prior to the date of application, and a one-hundred-dollar licensing fee, made payable to the state. Any applicant who received a waiver as provided in subsection (b) of this section shall be exempt from payment of such licensing fee. Subject to the provisions of section 46a-80, no person shall be approved for a license who has been convicted of a felony, any sexual offense or any crime involving moral turpitude, or who has been refused a license under the provisions of sections 29-161g to 29-161x, inclusive, for any reason except minimum experience, or whose license, having been granted, has been revoked or is under suspension. Upon being satisfied of the suitability of the applicant for licensure, the commissioner may license the applicant as a security officer. Such license shall be renewed every five years for a one-hundred-dollar fee. The commissioner shall send a notice of the expiration date of such license to the holder of such license, by first class mail, not less than ninety days before such expiration, and shall enclose with such notice an application for renewal. The security officer license shall be valid for a period of ninety days after its expiration date unless the license has been revoked or is under suspension pursuant to section 29-161v. An application for renewal filed with the commissioner after the expiration date shall be accompanied by a late fee of twenty-five dollars. The commissioner shall not renew any license that has been expired for more than ninety days.

(d) Upon the security officer's successful completion of training and licensing by the commissioner, or immediately upon hiring a licensed security officer, the security service employing such security officer shall apply to register such security officer with the commissioner on forms provided by the commissioner. Such application shall be accompanied by payment of a forty-dollar application fee payable to the state. The Division of State Police within the Department of Emergency Services and Public Protection shall keep on file the completed

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registration form and all related material. An identification card with the name, date of birth, address, full-face photograph, physical descriptors and signature of the applicant shall be issued to the security officer, and shall be carried by the security officer at all times while performing the duties associated with the security officer's employment. Registered security officers, in the course of performing their duties, shall present such card for inspection upon the request of a law enforcement officer.

(e) The security service shall notify the commissioner not later than five days after the termination of employment of any registered employee.

(f) Any fee or portion of a fee paid pursuant to this section shall not be refundable.

(g) No person, firm or corporation shall employ or otherwise engage any person as a security officer, as defined in section 29-152u, unless such person (1) is a licensed security officer, or (2) meets the requirements of subsection (h) of this section.

(h) During the time that an application for a license as a security officer is pending with the commissioner, the applicant may perform the duties of security officer, provided (1) the security service employing the applicant conducts, or has a consumer reporting agency regulated under the federal Fair Credit Reporting Act conduct, a state and national criminal history records check and determines the applicant meets the requirements of subsection (c) of this section to be a security officer, (2) the applicant (A) successfully completed the training required pursuant to subsection (b) of this section, or obtained a waiver of such training, and (B) performs the duties of a security officer under the direct on-site supervision of a licensed security officer with at least one year of experience as a licensed security officer, and (3) the applicant has not been decertified as a police officer or otherwise had his or her

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certification canceled, revoked or refused renewal pursuant to subsection (c) of section 7-294d, as amended by this act, or under the laws of any other jurisdiction. The applicant shall not perform such duties at a public or private preschool, elementary or secondary school or at a facility licensed and used exclusively as a child care center, as described in subdivision (1) of subsection (a) of section 19a-77. The applicant shall cease to perform such duties pursuant to this subsection when the commissioner grants or denies the pending application for a security license under this section.

(i) Any person, firm or corporation that violates any provision of subsection (b), (d), (e), (g) or (h) of this section shall be fined seventy-five dollars for each offense. Each distinct violation of this section shall be a separate offense and, in the case of a continuing violation, each day thereof shall be deemed a separate offense.

Sec. 6. Section 54-33b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2021*):

(a) [The consent of a person given to a law enforcement official to conduct a search of such person shall not, absent the existence of probable cause, constitute justification for such law enforcement official to conduct such search] A law enforcement official may ask a person if he or she may conduct a search of their person, provided such law enforcement official has reasonable and articulable suspicion that weapons, contraband or other evidence of a crime is contained upon the person, or that the search is reasonably necessary to further an ongoing law enforcement investigation. A law enforcement official who solicits consent to search a person shall, whether or not the consent is granted, complete a police report documenting the reasonable and articulable suspicion for the solicitation of consent, or the facts and circumstances that support the search being reasonably necessary to further an ongoing law enforcement investigation.

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(b) A law enforcement official serving a search warrant may, if such official has reason to believe that any of the property described in the warrant is concealed in the garments of any person in or upon the place or thing to be searched, search the person for the purpose of seizing the same. When the person to be searched is a woman, the search shall be made by a female law enforcement official or other woman assisting in the service of the warrant, or by a woman designated by the judge or judge trial referee issuing the warrant.

Sec. 7. Section 54-33a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2021*):

(a) As used in sections 54-33a to 54-33g, inclusive, "property" includes, but is not limited to, documents, books, papers, films, recordings, records, data and any other tangible thing; and "tracking device" means an electronic or mechanical device that permits the tracking of the movement of a person or object.

(b) Upon complaint on oath by any state's attorney or assistant state's attorney or by any two credible persons, to any judge of the Superior Court or judge trial referee, that such state's attorney or assistant state's attorney or such persons have probable cause to believe that any property (1) possessed, controlled, designed or intended for use or which is or has been used or which may be used as the means of committing any criminal offense; or (2) which was stolen or embezzled; or (3) which constitutes evidence of an offense, or which constitutes evidence that a particular person participated in the commission of an offense, is within or upon any place, thing or person, such judge or judge trial referee, except as provided in section 54-33j, may issue a warrant commanding a proper officer to enter into or upon such place or thing, search such place, thing or person and take into such officer's custody all such property named in the warrant.

(c) Upon complaint on oath by any state's attorney or assistant state's

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attorney or by any two credible persons, to any judge of the Superior Court or judge trial referee, that such state's attorney or assistant state's attorney or such persons have probable cause to believe that a criminal offense has been, is being, or will be committed and that the use of a tracking device will yield evidence of the commission of that offense, such judge or judge trial referee may issue a warrant authorizing the installation and use of a tracking device. The complaint shall identify the person on which or the property to, in or on which the tracking device is to be installed, and, if known, the owner of such property.

(d) A warrant may issue only on affidavit sworn to by the complainant or complainants before the judge or judge trial referee and establishing the grounds for issuing the warrant, which affidavit shall be part of the arrest file. If the judge or judge trial referee is satisfied that grounds for the application exist or that there is probable cause to believe that grounds for the application exist, the judge or judge trial referee shall issue a warrant identifying the property and naming or describing the person, place or thing to be searched or authorizing the installation and use of a tracking device and identifying the person on which or the property to, in or on which the tracking device is to be installed. The warrant shall be directed to any police officer of a regularly organized police department or any state police officer, to an inspector in the Division of Criminal Justice, to a conservation officer, special conservation officer or patrolman acting pursuant to section 26-6 or to a sworn motor vehicle inspector acting under the authority of section 14-8. Except for a warrant for the installation and use of a tracking device, the warrant shall state the date and time of its issuance and the grounds or probable cause for its issuance and shall command the officer to search within a reasonable time the person, place or thing named, for the property specified. A warrant for the installation and use of a tracking device shall state the date and time of its issuance and the grounds or probable cause for its issuance and shall command the officer to complete the installation of the device within a specified

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period not later than ten days after the date of its issuance and authorize the installation and use of the tracking device, including the collection of data through such tracking device, for a reasonable period of time not to exceed thirty days from the date the tracking device is installed. Upon request and a showing of good cause, a judge or judge trial referee may authorize the use of the tracking device for an additional period of thirty days.

(e) No police officer of a regularly organized police department or any state police officer, an inspector in the Division of Criminal Justice, a conservation officer, special conservation officer or patrolman acting pursuant to section 26-6 or a sworn motor vehicle inspector acting under the authority of section 14-8, shall seek, execute or participate in the execution of a no-knock warrant. A search warrant authorized under this section shall require that an officer provide notice of such officer's identity, authority and purpose prior to entering the place to be searched for the execution of such search warrant. Prior to undertaking any search or seizure pursuant to the search warrant, the executing officer shall read and give a copy of the search warrant to the person to be searched or the owner of the place to be searched or, if the owner is not present, to any occupant of the place to be searched. If the place to be searched is unoccupied, the executing officer shall leave a copy of the search warrant suitably affixed to the place to be searched. For purposes of this subsection, "no-knock warrant" means a warrant authorizing police officers to enter certain premises without first knocking and announcing their presence or purpose prior to entering the place to be searched.

[(e)] (f) A judge or judge trial referee may issue a warrant pursuant to this section for records or data that are in the actual or constructive possession of a foreign corporation or business entity that transacts business in this state, including, but not limited to, a foreign corporation or business entity that provides electronic communication services or

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remote computing services to the public. Such a warrant may be served on an authorized representative of the foreign corporation or business entity by hand, mail, commercial delivery, facsimile or electronic transmission, provided proof of delivery can be established. When properly served with a warrant issued pursuant to this section, the foreign corporation or business entity shall provide to the applicant all records or data sought by the warrant within fourteen business days of being served with the warrant, unless the judge or judge trial referee determines that a shorter or longer period of time is necessary or appropriate.

~~[(f)]~~ (g) The inadvertent failure of the issuing judge or judge trial referee to state on the warrant the time of its issuance shall not in and of itself invalidate the warrant.

Sec. 8. Section 53a-22 of the general statutes, as amended by section 29 of public act 20-1 of the July special session and section 2 of public act 21-4, is amended by adding subsection (h) as follows (*Effective January 1, 2022*):

(NEW) (h) In determining whether use of force by a peace officer who is a police officer, as defined in subsection (a) of section 29-6d, is justified pursuant to this section, the trier of fact may draw an unfavorable inference from a police officer's deliberate failure in violation of section 29-6d, as amended by this act, to record such use of physical force.

Sec. 9. Section 52-571k of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2021*):

(a) As used in this section:

(1) "Law enforcement unit" has the same meaning as provided in section 7-294a; and

(2) "Police officer" has the same meaning as provided in section 7-

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294a.

(b) No police officer, acting alone or in conspiracy with another, shall deprive any person or class of persons of the equal protection of the laws of this state, or of the equal privileges and immunities under the laws of this state, including, without limitation, the protections, privileges and immunities guaranteed under article first of the Constitution of the state.

(c) Any person aggrieved by a violation of subsection (b) of this section may bring a civil action for equitable relief or damages in the Superior Court. A civil action brought for damages shall be triable by jury.

(d) (1) In any civil action brought under this section, governmental immunity shall only be a defense to a claim for damages when, at the time of the conduct complained of, the police officer had an objectively good faith belief that such officer's conduct did not violate the law. There shall be no interlocutory appeal of a trial court's denial of the application of the defense of governmental immunity. Governmental immunity shall not be a defense in a civil action brought solely for equitable relief.

(2) In any civil action brought under this section, the trier of fact may draw an adverse inference from a police officer's deliberate failure, in violation of section 29-6d, as amended by this act, to record any event that is relevant to such action.

(e) In an action under this section, each municipality or law enforcement unit shall protect and save harmless any such police officer from financial loss and expense, including legal fees and costs, if any, arising out of any claim, demand or suit instituted against such officer by reason of any act undertaken by such officer while acting in the discharge of the officer's duties. In the event such officer has a judgment

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entered against him or her for a malicious, wanton or wilful act in a court of law, such municipality shall be reimbursed by such officer for expenses it incurred in providing such defense and shall not be held liable to such officer for any financial loss or expense resulting from such act.

(f) In any civil action brought under this section, if the court finds that a violation of subsection (b) of this section was deliberate, wilful or committed with reckless indifference, the plaintiff may be awarded costs and reasonable attorney's fees.

(g) A civil action brought pursuant to this section shall be commenced not later than one year after the date on which the cause of action accrues. Any notice of claim provision set forth in the general statutes, including, but not limited to, the provisions of subsection (d) of section 7-101a and subsection (a) of section 7-465 shall not apply to an action brought under this section.

Sec. 10. Subdivision (2) of subsection (e) of section 54-142a of the general statutes, as amended by section 3 of public act 21-32, is repealed and the following is substituted in lieu thereof (*Effective January 1, 2023*):

(2) Convictions for the following offenses shall not be eligible for erasure pursuant to this subsection:

(A) Any conviction designated as a family violence crime, as defined in section 46b-38a; [or]

(B) Any conviction for an offense that is a nonviolent sexual offense or a sexually violent offense, each as defined in section 54-250; [.]

(C) Any conviction for a class D felony offense that is a violation of section 53a-60a, 53a-60b, 53a-60c, 53a-64bb, 53a-72a, 53a-90a, 53a-103a, 53a-181c, 53a-191, 53a-196, 53a-196f, 53a-211, 53a-216, 53a-217a, 53a-322, 54-251, 54-252, 54-253 or 54-254 or subdivision (1) of subsection (a) of

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section 53a-189a;

(D) Any conviction for a class A misdemeanor offense that is a violation of section 53a-61a, 53a-64cc or 53a-323; or

(E) Any conviction for an offense for which the defendant has not served or completed serving the sentence imposed for such offense, including any period of incarceration, special parole, parole or probation, unless and until the applicable time period prescribed in subdivision (1) of this subsection has elapsed and the defendant has completed serving such sentence.

Sec. 11. Subsection (c) of section 7-294d of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2021*):

(c) (1) The council may refuse to renew any certificate if the holder fails to meet the requirements for renewal of his or her certification.

(2) The council may cancel or revoke any certificate if: (A) The certificate was issued by administrative error, (B) the certificate was obtained through misrepresentation or fraud, (C) the holder falsified any document in order to obtain or renew any certificate, (D) the holder has been convicted of a felony, (E) the holder has been found not guilty of a felony by reason of mental disease or defect pursuant to section 53a-13, (F) the holder has been convicted of a violation of section 21a-279, (G) the holder has been refused issuance of a certificate or similar authorization or has had his or her certificate or other authorization cancelled or revoked by another jurisdiction on grounds which would authorize cancellation or revocation under the provisions of this subdivision, (H) the holder has been found by a law enforcement unit, pursuant to procedures established by such unit, to have used a firearm in an improper manner which resulted in the death or serious physical injury of another person, (I) the holder has been found by a law

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enforcement unit, pursuant to procedures established by such unit and considering guidance developed under subsection (g) of this section, to have engaged in conduct that undermines public confidence in law enforcement, including, but not limited to, discriminatory conduct, falsification of reports, issuances of orders that are not lawful orders or a violation of the Alvin W. Penn Racial Profiling Prohibition Act pursuant to sections 54-1l and 54-1m, provided, when evaluating any such conduct, the council considers such conduct engaged in while the holder is acting in such holder's law enforcement capacity or representing himself or herself to be a police officer to be more serious than such conduct engaged in by a holder not acting in such holder's law enforcement capacity or representing himself or herself to be a police officer; (J) the holder has been found by a law enforcement unit, pursuant to procedures established by such unit, to have used physical force on another person in a manner that is excessive or used physical force in a manner found to not be justifiable after an investigation conducted pursuant to section 51-277a, or (K) the holder has been found by a law enforcement unit, pursuant to procedures established by such unit, to have committed any act that would constitute tampering with or fabricating physical evidence in violation of section 53a-155, perjury in violation of section 53a-156 or false statement in violation of section 53a-157b. Whenever the council believes there is a reasonable basis for suspension, cancellation or revocation of the certification of a police officer, police training school or law enforcement instructor, it shall give notice and an adequate opportunity for a hearing prior to such suspension, cancellation or revocation. Such hearing shall be conducted in accordance with the provisions of chapter 54. Any holder aggrieved by the decision of the council may appeal from such decision in accordance with the provisions of section 4-183. The council may cancel or revoke any certificate if, after a de novo review, it finds by clear and convincing evidence (i) a basis set forth in subparagraphs (A) to (G), inclusive, of this subdivision, or (ii) that the holder of the certificate committed an act set forth in subparagraph (H), (I), (J) or (K) of this

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subdivision. In any such case where the council finds such evidence, but determines that the severity of an act committed by the holder of the certificate does not warrant cancellation or revocation of such holder's certificate, the council may suspend such holder's certification for a period of up to forty-five days and may censure such holder of the certificate. Any police officer or law enforcement instructor whose certification is cancelled or revoked pursuant to this section may reapply for certification no sooner than two years after the date on which the cancellation or revocation order becomes final. Any police training school whose certification is cancelled or revoked pursuant to this section may reapply for certification at any time after the date on which such order becomes final. For purposes of this subdivision, a lawful order is an order issued by a police officer who is in uniform or has identified himself or herself as a police officer to the person such order is issued to at the time such order is issued, and which order is reasonably related to the fulfillment of the duties of the police officer who is issuing such order, does not violate any provision of state or federal law and is only issued for the purposes of (I) preventing, detecting, investigating or stopping a crime, (II) protecting a person or property from harm, (III) apprehending a person suspected of a crime, (IV) enforcing a law, (V) regulating traffic, or (VI) assisting in emergency relief, including the administration of first aid.

Sec. 12. (NEW) (*Effective October 1, 2021*) (a) For purposes of this section, "criminal act" means criminal act, as defined in section 53a-224 of the general statutes.

(b) A person is guilty of enticing a juvenile to commit a criminal act if such person is twenty-three years of age or older and knowingly causes, encourages, solicits, recruits, intimidates or coerces a person under eighteen years of age to commit or participate in the commission of a criminal act.

(c) Enticing a juvenile to commit a criminal act is a (1) class A

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misdemeanor for first offense, and (2) class D felony for any subsequent offense.

Sec. 13. (*Effective from passage*) (a) The Judicial Branch shall conduct a study to determine the feasibility of (1) decreasing the period of time between the arrest of a child and such child's initial court appearance, in order to increase the likelihood that such child will attend such appearance and reduce the likelihood of such child's recidivism, and (2) establishing a diversionary program for children who are arrested, in which participants shall report to a judge, juvenile probation officer or clinical social worker licensed pursuant to chapter 383b of the general statutes, on a weekly basis from the period of arrest until the adjudication of the matter in order to reduce the likelihood of recidivism.

(b) Not later than January 1, 2022, the Judicial Branch shall report the findings of the study conducted pursuant to subsection (a) of this section, in accordance with the provisions of section 11-4a of the general statutes, to the joint standing committees of the General Assembly having cognizance of matters relating to the judiciary and children.

Sec. 14. Subsection (d) of section 54-91c of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2023*):

(d) Upon the request of a victim, prior to the acceptance by the court of a plea of a defendant pursuant to a proposed plea agreement, the state's attorney, assistant state's attorney or deputy assistant state's attorney in charge of the case shall provide such victim with the terms of such proposed plea agreement in writing. If the terms of the proposed plea agreement provide for a term of imprisonment which is more than two years or a total effective sentence of more than a two-year term of imprisonment, the state's attorney, assistant state's attorney or deputy assistant state's attorney in charge of the case shall indicate: (1) The

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maximum period of imprisonment that may apply to the defendant; (2) whether the defendant may be eligible to earn risk reduction credits pursuant to section 18-98e; [and] (3) whether the defendant may be eligible to apply for release on parole pursuant to section 54-125a; and (4) whether the defendant may be eligible for automatic erasure of such defendant's criminal conviction pursuant to subsection (e) of section 54-142a, as amended by this act.

Approved June 10, 2021