



House of Representatives

General Assembly

File No. 638

January Session, 2023

Substitute House Bill No. 6917

House of Representatives, April 17, 2023

The Committee on Judiciary reported through REP. STAFSTROM of the 129th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING VARIOUS REVISIONS TO THE CRIMINAL LAW AND CRIMINAL JUSTICE STATUTES.

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

1 Section 1. Section 53a-39 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2023*):

3 (a) Except as provided in subsection (b) of this section, at any time
4 during an executed period of incarceration, the sentencing court or
5 judge may, after hearing and for good cause shown, reduce the sentence,
6 order the defendant discharged, or order the defendant discharged on
7 probation or conditional discharge for a period not to exceed that to
8 which the defendant could have been originally sentenced.

9 (b) On and after October 1, 2021, at any time during the period of a
10 sentence in which a defendant has been sentenced prior to, on or after
11 October 1, 2021, to an executed period of incarceration of more than
12 seven years as a result of a plea agreement, including an agreement in
13 which there is an agreed upon range of sentence, upon agreement of the

14 defendant and the state's attorney to seek review of the sentence, the
15 sentencing court or judge may, after hearing and for good cause shown,
16 reduce the sentence, order the defendant discharged, or order the
17 defendant discharged on probation or conditional discharge for a period
18 not to exceed that to which the defendant could have been originally
19 sentenced.

20 (c) If, after a hearing pursuant to this section, the sentencing court or
21 judge denies or grants in full a motion to reduce a defendant's sentence
22 or discharge the defendant, the defendant may not file a subsequent
23 motion for relief under this section until five years have elapsed from
24 the date of the most recent decision denying such defendant relief
25 pursuant to this section. If, after a hearing pursuant to this section, the
26 sentencing court or judge grants in part a motion to reduce a defendant's
27 sentence, the defendant may not file a subsequent motion for relief
28 under this section until three years from the date of the most recent
29 decision granting such defendant relief pursuant to this section.

30 (d) The provisions of this section shall not apply to any portion of a
31 sentence imposed that is a mandatory minimum sentence for an offense
32 which may not be suspended or reduced by the court.

33 (e) At the time the defendant files a motion with the court, the
34 defendant shall provide the state with a copy of the motion and any
35 materials and documentation filed with the court in support of such
36 motion.

37 [(e)] (f) At a hearing held by the sentencing court or judge under this
38 section, such court or judge shall permit any victim of the crime to
39 appear before the court or judge for the purpose of making a statement
40 for the record concerning whether or not the sentence of the defendant
41 should be reduced, the defendant should be discharged or the
42 defendant should be discharged on probation or conditional discharge
43 pursuant to subsection (a) or (b) of this section. In lieu of such
44 appearance, the victim may submit a written statement to the court or
45 judge and the court or judge shall make such statement a part of the
46 record at the hearing. For the purposes of this subsection, "victim"

47 means the victim, the legal representative of the victim or a member of
48 the deceased victim's immediate family.

49 Sec. 2. Subsection (a) of section 17a-566 of the general statutes is
50 repealed and the following is substituted in lieu thereof (*Effective October*
51 *1, 2023*):

52 (a) Except as provided in section 17a-574 any court prior to
53 sentencing a person convicted of an offense for which the penalty may
54 be imprisonment in [the Connecticut Correctional Institution at Somers]
55 any correctional institution of this state, or of a sex offense involving (1)
56 physical force or violence, (2) disparity of age between an adult and a
57 minor or (3) a sexual act of a compulsive or repetitive nature, may if it
58 appears to the court that such person has psychiatric disabilities and is
59 dangerous to himself or others, upon its own motion or upon request of
60 any of the persons enumerated in subsection (b) of this section and a
61 subsequent finding that such request is justified, order the
62 commissioner to conduct an examination of the convicted defendant by
63 qualified personnel of the hospital. Upon completion of such
64 examination the examiner shall report in writing to the court. Such
65 report shall indicate whether the convicted defendant should be
66 committed to the diagnostic unit of the hospital for additional
67 examination or should be sentenced in accordance with the conviction.
68 Such examination shall be conducted and the report made to the court
69 not later than fifteen days after the order for the examination. Such
70 examination may be conducted at a correctional facility if the defendant
71 is confined or it may be conducted on an outpatient basis at the hospital
72 or other appropriate location. If the report recommends additional
73 examination at the diagnostic unit, the court may, after a hearing, order
74 the convicted defendant committed to the diagnostic unit of the hospital
75 for a period not to exceed sixty days, except as provided in section 17a-
76 567 provided the hearing may be waived by the defendant. Such
77 commitment shall not be effective until the director certifies to the court
78 that space is available at the diagnostic unit. While confined in said
79 diagnostic unit, the defendant shall be given a complete physical and
80 psychiatric examination by the staff of the unit and may receive

81 medication and treatment without his consent. The director shall have
82 authority to procure all court records, institutional records and
83 probation or other reports which provide information about the
84 defendant.

85 Sec. 3. Subsection (a) of section 18-100h of the general statutes is
86 repealed and the following is substituted in lieu thereof (*Effective October*
87 *1, 2023*):

88 (a) Notwithstanding any provision of the general statutes, whenever
89 a person is sentenced to a term of imprisonment pursuant to section 14-
90 215, as amended by this act, subsection (g) of section 14-227a, section 14-
91 227k or subdivision (1) of subsection (c) of section 14-227m and
92 committed by the court to the custody of the Commissioner of
93 Correction, the commissioner may, after admission and a risk and needs
94 assessment of such person, release such person to such person's
95 residence subject to the condition that such person not leave such
96 residence unless otherwise authorized. Based upon the assessment of
97 such person, the commissioner may require such person to be subject to
98 electronic monitoring, which may include the use of a global positioning
99 system and continuous monitoring for alcohol consumption, and to any
100 other conditions the commissioner deems appropriate. Any person
101 released pursuant to this subsection shall remain in the custody of the
102 commissioner and shall be supervised by employees of the department
103 during the period of such release. Upon the violation by such person of
104 any condition of such release, the commissioner may revoke such
105 release and return such person to confinement in a correctional facility.
106 The commissioner shall establish an advisory committee for the purpose
107 of developing a protocol for the training of correctional staff assigned to
108 the assessment and supervision of offenders eligible for release
109 pursuant to this subsection, evaluation of outcomes of participation in
110 such release, the establishment of victim impact panels and the
111 provision of treatment to such participants. For purposes of this
112 subsection, "continuous monitoring for alcohol consumption" means
113 automatically testing breath, blood or transdermal alcohol
114 concentration levels and tamper attempts at least once every hour

115 regardless of the location of the person being monitored.

116 Sec. 4. Section 21a-279a of the general statutes is amended by adding
117 subsection (k) as follows (*Effective October 1, 2023*):

118 (NEW) (k) The provisions of subsections (b) to (e), inclusive, of this
119 section shall not apply to any person (1) who, in good faith, seeks
120 medical assistance for another person who such person reasonably
121 believes is experiencing an overdose from the ingestion, inhalation or
122 injection of intoxicating liquor or any drug or substance, (2) for whom
123 another person, in good faith, seeks medical assistance, reasonably
124 believing such person is experiencing an overdose from the ingestion,
125 inhalation or injection of intoxicating liquor or any drug or substance,
126 or (3) who reasonably believes he or she is experiencing an overdose
127 from the ingestion, inhalation or injection of intoxicating liquor or any
128 drug or substance and, in good faith, seeks medical assistance for
129 himself or herself, if evidence of the possession of cannabis plant
130 material or cannabis product in violation of said subsections was
131 obtained as a result of the seeking of such medical assistance. For the
132 purposes of this subsection, "good faith" does not include seeking
133 medical assistance during the course of the execution of an arrest
134 warrant or search warrant or a lawful search.

135 Sec. 5. Subsection (i) of section 14-36 of the general statutes is repealed
136 and the following is substituted in lieu thereof (*Effective October 1, 2023*):

137 (i) (1) Any person who violates any provision of this section shall, for
138 a first offense, be deemed to have committed an infraction and be fined
139 not less than seventy-five dollars or more than ninety dollars and, for
140 any subsequent offense, shall be fined not less than two hundred fifty
141 dollars or more than three hundred fifty dollars or be imprisoned not
142 more than thirty days, or both.

143 (2) In addition to the penalty prescribed under subdivision (1) of this
144 subsection, any person who violates any provision of this section who
145 (A) has, prior to the commission of the present violation, committed a
146 violation of this section or subsection (a) of section 14-215, shall be fined

147 not more than five hundred dollars or sentenced to perform not more
148 than one hundred hours of community service, or (B) has, prior to the
149 commission of the present violation, committed two or more violations
150 of this section or subsection (a) of section 14-215, or any combination
151 thereof, shall be sentenced to a term of imprisonment of one year, and,
152 in the absence of any mitigating circumstances as determined by the
153 court, ninety days of [which] the sentence imposed may not be
154 suspended or reduced in any manner.

155 Sec. 6. Subsection (b) of section 14-215 of the general statutes is
156 repealed and the following is substituted in lieu thereof (*Effective October*
157 *1, 2023*):

158 (b) (1) Except as provided in subsection (c) of this section, any person
159 who violates any provision of subsection (a) of this section shall, for a
160 first offense, be fined not less than one hundred fifty dollars or more
161 than two hundred dollars or imprisoned not more than three months,
162 or be both fined and imprisoned, and, for any subsequent offense, be
163 fined not less than two hundred dollars or more than six hundred
164 dollars or imprisoned not more than one year, or be both fined and
165 imprisoned.

166 (2) Except as provided in subsection (c) of this section, in addition to
167 the penalty prescribed under subdivision (1) of this subsection, any
168 person who violates any provision of subsection (a) of this section who
169 (A) has, prior to the commission of the present violation, committed a
170 violation of subsection (a) of this section or section 14-36, as amended
171 by this act, shall be fined not more than five hundred dollars or
172 sentenced to perform not more than one hundred hours of community
173 service, or (B) has, prior to the commission of the present violation,
174 committed two or more violations of subsection (a) of this section or
175 section 14-36, as amended by this act, or any combination thereof, shall
176 be sentenced to a term of imprisonment of one year, and, in the absence
177 of any mitigating circumstances as determined by the court, ninety days
178 of [which] the sentence imposed may not be suspended or reduced in
179 any manner.

180 Sec. 7. Subsection (b) of section 51-164n of the general statutes is
181 repealed and the following is substituted in lieu thereof (*Effective October*
182 *1, 2023*):

183 (b) Notwithstanding any provision of the general statutes, any person
184 who is alleged to have committed (1) a violation under the provisions of
185 section 1-9, 1-10, 1-11, 2-71h, 4b-13, 7-13, 7-14, 7-35 or 7-41, subsection (c)
186 of section 7-66, section 7-83, 7-147h, 7-148, [7-148f,] 7-148o, 7-283, 7-325,
187 7-393, 8-12, 8-25, 8-27, 9-63, 9-322, 9-350, 10-185, 10-193, 10-197, 10-198,
188 10-230, 10-251, 10-254, 10a-35, 12-52, 12-54, 12-129b or 12-170aa,
189 subdivision (3) of subsection (e) of section 12-286, section 12-286a, 12-
190 292, 12-314b or 12-326g, subdivision (4) of section 12-408, subdivision
191 (3), (5) or (6) of section 12-411, section 12-435c, 12-476a, 12-476b, 12-476c,
192 12-487, 13a-71, 13a-107, 13a-113, 13a-114, 13a-115, 13a-117b, 13a-123,
193 13a-124, 13a-139, 13a-140, 13a-143b, 13a-253, 13a-263 or 13b-39f,
194 subsection (f) of section 13b-42, section 13b-90 or 13b-100, subsection (a)
195 of section 13b-108, section 13b-221 or 13b-292, subsection (a) or (b) of
196 section 13b-324, section 13b-336, 13b-337, 13b-338, 13b-410a, 13b-410b or
197 13b-410c, subsection (a), (b) or (c) of section 13b-412, section 13b-414 or
198 14-4, subdivision (2) of subsection (a) of section 14-12, subsection (d) of
199 section 14-12, subsection (f) of section 14-12a, subsection (a) of section
200 14-15a, section 14-16c, 14-20a or 14-27a, subsection (f) of section 14-34a,
201 subsection (d) of section 14-35, section 14-43, 14-44j, 14-49, 14-50a, 14-58
202 or 14-62a, subsection (b) of section 14-66, section 14-66a or 14-67a,
203 subsection (g) of section 14-80, subsection (f) or (i) of section 14-80h,
204 section 14-97a or 14-98, subsection (a), (b) or (d) of section 14-100a,
205 section 14-100b, 14-103a, 14-106a, 14-106c, 14-145a or 14-146, subsection
206 (b) of section 14-147, section 14-152, 14-153, 14-161 or 14-163b, subsection
207 (f) of section 14-164i, section 14-213b or 14-219, subdivision (1) of section
208 14-223a, subsection (d) of section 14-224, section 14-240, 14-250, 14-253a,
209 14-261a, 14-262, 14-264, 14-266, 14-267a, 14-269, 14-270, 14-272b, 14-274,
210 14-275 or 14-275a, subsection (c) of section 14-275c, section 14-276,
211 subsection (a) or (b) of section 14-277, section 14-278, 14-279 or 14-280,
212 subsection (b), (e) or (h) of section 14-283, section 14-283d, 14-283e, 14-
213 283f, 14-283g, 14-291, 14-293b, 14-296aa, 14-298a, 14-300, 14-300d, 14-
214 300f, 14-319, 14-320, 14-321, 14-325a, 14-326, 14-330 or 14-332a,

215 subdivision (1), (2) or (3) of section 14-386a, section 15-15e, 15-25 or 15-
216 33, subdivision (1) of section 15-97, subsection (a) of section 15-115,
217 section 16-15, 16-16, 16-44, 16-256e, 16-278 or 16a-15, subsection (a) of
218 section 16a-21, section 16a-22, subsection (a) or (b) of section 16a-22h,
219 section 16a-106, 17a-24, 17a-145, 17a-149 or 17a-152, subsection (b) of
220 section 17a-227, section 17a-465, subsection (c) of section 17a-488, section
221 17b-124, 17b-131, 17b-137, 19a-33, 19a-39 or 19a-87, subsection (b) of
222 section 19a-87a, section 19a-91, 19a-102a, 19a-102b, 19a-105, 19a-107,
223 19a-113, 19a-215, 19a-216a, 19a-219, 19a-222, 19a-224, 19a-286, 19a-287,
224 19a-297, 19a-301, 19a-309, 19a-335, 19a-336, 19a-338, 19a-339, 19a-340,
225 19a-425, 19a-442, 19a-502, 19a-565, 20-7a, 20-14, 20-153a, 20-158, 20-231,
226 20-233, 20-249, 20-257, 20-265, 20-324e, 20-329c or 20-329g, subsection (b)
227 of section 20-334, section 20-341l, 20-366, 20-482, 20-597, 20-608, 20-610,
228 20-623, 21-1, 21-38, 21-39, 21-43, 21-47, 21-48 or 21-63, subsection (d) of
229 section 21-71, section 21-76a or 21-100, subsection (c) of section 21a-2,
230 subdivision (1) of section 21a-19, section 21a-20 or 21a-21, subdivision
231 (1) of subsection (b) of section 21a-25, section 21a-26 or 21a-30,
232 subsection (a) of section 21a-37, section 21a-46, 21a-61, 21a-63, 21a-70b
233 or 21a-77, subsection (b) or (c) of section 21a-79, section 21a-85 or 21a-
234 154, subdivision (1) of subsection (a) of section 21a-159, section 21a-278b,
235 subsection (c), (d) or (e) of section 21a-279a, as amended by this act,
236 section 21a-421eee, 21a-421fff, 21a-421hhh, subsection (a) of section 21a-
237 430, section 22-12b, 22-13, 22-14, 22-15, 22-16, 22-26g, 22-30, 22-34, 22-35,
238 22-36, 22-38, 22-39, 22-39f, 22-49, 22-54, 22-61j or 22-61l, subdivision (1)
239 of subsection (n) of section 22-61l, subsection (f) of section 22-61m,
240 subdivision (1) of subsection (f) of section 22-61m, section 22-84, 22-89,
241 22-90, 22-96, 22-98, 22-99, 22-100 or 22-111o, subsection (d) of section 22-
242 118l, section 22-167, subsection (c) of section 22-277, section 22-278, 22-
243 279, 22-280a, 22-318a, 22-320h, 22-324a or 22-326, subsection (b),
244 subdivision (1) or (2) of subsection (e) or subsection (g) of section 22-344,
245 subsection (a) or (b) of section 22-344b, section 22-344c, subsection (d) of
246 section 22-344d, section 22-344f, 22-350a, 22-354, 22-359, 22-366, 22-391,
247 22-413, 22-414, 22-415, 22-415c, 22a-66a or 22a-246, subsection (a) of
248 section 22a-250, section 22a-256g, subsection (e) of section 22a-256h,
249 section 22a-363 or 22a-381d, subsections (c) and (d) of section 22a-381e,

250 section 22a-449, 22a-450, 22a-461, 23-4b, 23-38, 23-45, 23-46 or 23-61b,
251 subsection (a) or subdivision (1) of subsection (c) of section 23-65, section
252 25-37 or 25-40, subsection (a) of section 25-43, section 25-43d, 25-135, 26-
253 18, 26-19, 26-21, 26-31, 26-40, 26-40a, 26-42, 26-43, 26-49, 26-54, 26-55, 26-
254 56, 26-58 or 26-59, subdivision (1) of subsection (d) of section 26-61,
255 section 26-64, subdivision (1) of section 26-76, section 26-79, 26-87, 26-89,
256 26-91, 26-94, 26-97, 26-98, 26-104, 26-105, 26-107, 26-114a, 26-117,
257 subsection (b) of section 26-127, 26-128, 26-128a, 26-131, 26-132, 26-138,
258 26-139 or 26-141, subdivision (1) of section 26-186, section 26-207, 26-215,
259 26-217 or 26-224a, subdivision (1) of section 26-226, section 26-227, 26-
260 230, 26-231, 26-232, 26-244, 26-257a, 26-260, 26-276, 26-280, 26-284, 26-
261 285, 26-286, 26-287, 26-288, 26-290, 26-291a, 26-292, 26-294, 27-107, 28-13,
262 29-6a, 29-16, 29-17, 29-25, 29-143o, 29-143z or 29-156a, subsection (b), (d),
263 (e), (g) or (h) of section 29-161q, section 29-161y or 29-161z, subdivision
264 (1) of section 29-198, section 29-210, 29-243 or 29-277, subsection (c) of
265 section 29-291c, section 29-316 or 29-318, subsection (b) of section 29-
266 335a, section 29-381, 30-19f, 30-48a or 30-86a, subsection (b) of section
267 30-89, subsection (c) or (d) of section 30-117, section 31-3, 31-10, 31-11,
268 31-12, 31-13, 31-14, 31-15, 31-16, 31-18, 31-23, 31-24, 31-25, 31-32, 31-36,
269 31-38, 31-40, 31-44, 31-47 or 31-48, subsection (b) of section 31-48b,
270 section 31-51, 31-51g, 31-52, 31-52a, 31-53 or 31-54, subsection (a) or (c)
271 of section 31-69, section 31-70, 31-74, 31-75, 31-76, 31-76a, 31-89b or 31-
272 134, subsection (i) of section 31-273, section 31-288, 31-348, 33-624, 33-
273 1017, 34-13d or 34-412, subdivision (1) of section 35-20, subsection (a) of
274 section 36a-57, subsection (b) of section 36a-665, section 36a-699, 36a-
275 739, 36a-787, 38a-2 or 38a-140, subsection (a) or (b) of section 38a-278,
276 section 38a-479qq, 38a-479rr, 38a-506, 38a-548, 38a-626, 38a-680, 38a-713,
277 38a-733, 38a-764, 38a-786, 38a-828, 38a-829, 38a-885, 42-133hh, 42-230,
278 42-470 or 42-480, subsection (a) or (c) of section 43-16q, section 45a-283,
279 45a-450, 45a-634 or 45a-658, subdivision (13) or (14) of section 46a-54,
280 section 46a-59, 46a-81b, 46b-22, 46b-24, 46b-34, 46b-38d, 47-34a, 47-47 or
281 47-53, subsection (i) of section 47a-21, subdivision (1) of subsection (k)
282 of section 47a-21, section 49-2a, 49-8a, 49-16, 52-143 or 52-289, subsection
283 (j) of section 52-362, section 53-133, 53-199, 53-212a, 53-249a, 53-252, 53-
284 264, 53-280, 53-290a, 53-302a, 53-303e, 53-311a, 53-314, 53-321, 53-322, 53-

285 323 or 53-331, subsection (b) of section 53-343a, section 53-344,
286 subsection (b) or (c) of section 53-344b, subsection (b) of section 53-345a,
287 section 53-377, 53-422 or 53-450 or subsection (i) of section 54-36a, or (2)
288 a violation under the provisions of chapter 268, or (3) a violation of any
289 regulation adopted in accordance with the provisions of section 12-484,
290 12-487 or 13b-410, or (4) a violation of any ordinance, regulation or
291 bylaw of any town, city or borough, except violations of building codes
292 and the health code, for which the penalty exceeds ninety dollars but
293 does not exceed two hundred fifty dollars, unless such town, city or
294 borough has established a payment and hearing procedure for such
295 violation pursuant to section 7-152c, shall follow the procedures set
296 forth in this section.

297 Sec. 8. Subsection (f) of section 29-6d of the general statutes is
298 repealed and the following is substituted in lieu thereof (*Effective October*
299 *1, 2023*):

300 (f) (1) If a police officer is giving a formal statement about the use of
301 force or if a police officer is the subject of a disciplinary investigation in
302 which a recording from body-worn recording equipment or a
303 dashboard camera is being considered as part of a review of an incident,
304 the officer shall have the right to review (A) such recording in the
305 presence of the officer's attorney or labor representative, and (B)
306 recordings from other body-worn recording equipment capturing the
307 officer's image or voice during the incident. Not later than forty-eight
308 hours following an officer's review of a recording under subparagraph
309 (A) of this subdivision, or if the officer does not review the recording,
310 not later than ninety-six hours following the initiation of such
311 disciplinary investigation, whichever is earlier, such recording shall be
312 disclosed, upon request, to the public, subject to the provisions of
313 subsection (g) of this section. Public disclosure may be delayed if the
314 officer, due to a medical or physical response or an acute psychological
315 stress response to the incident, is not reasonably able to review a
316 recording under this subdivision, but in no event shall disclosure be
317 delayed more than one hundred forty-four hours following the
318 recorded event.

319 (2) If a request is made for public disclosure of a recording from body-
320 worn recording equipment or a dashboard camera of an incident about
321 which (A) a police officer has not been asked to give a formal statement
322 about the alleged use of force, or (B) a disciplinary investigation has not
323 been initiated, any police officer whose image or voice is captured on
324 the recording shall have the right to review such recording in the
325 presence of the officer's attorney or labor representative. Not later than
326 forty-eight hours following an officer's review of a recording under this
327 subdivision, or if the officer does not review the recording, not later than
328 ninety-six hours following the request for disclosure, whichever is
329 earlier, such recording shall be disclosed to the public, subject to the
330 provisions of subsection (g) of this section. Public disclosure may be
331 delayed if the officer, due to a medical or physical response or an acute
332 psychological stress response to the incident, is not reasonably able to
333 review a recording under this subdivision, but in no event shall
334 disclosure be delayed more than one hundred forty-four hours
335 following the recorded event.

336 Sec. 9. Subdivision (3) of section 53a-65 of the general statutes is
337 repealed and the following is substituted in lieu thereof (*Effective October*
338 *1, 2023*):

339 (3) "Sexual contact" means (A) any contact with the intimate parts of
340 a person for the purpose of sexual gratification of the actor or for the
341 purpose of degrading or humiliating such person or any contact of the
342 intimate parts of the actor with a person for the purpose of sexual
343 gratification of the actor or for the purpose of degrading or humiliating
344 such person, or (B) for the purposes of subdivision (4) of subsection (a)
345 of section 53a-73a, as amended by this act, any contact with the intimate
346 parts of a dead human body, or any contact of the intimate parts of the
347 actor with a dead human body, for the purpose of sexual gratification of
348 the actor.

349 Sec. 10. Section 53a-73a of the general statutes is repealed and the
350 following is substituted in lieu thereof (*Effective October 1, 2023*):

351 (a) A person is guilty of sexual assault in the fourth degree when: (1)

352 Such person subjects another person to sexual contact who is (A) under
353 thirteen years of age and the actor is more than two years older than
354 such other person, or (B) thirteen years of age or older but under fifteen
355 years of age and the actor is more than three years older than such other
356 person, or (C) physically helpless, or (D) less than eighteen years old
357 and the actor is such other person's guardian or otherwise responsible
358 for the general supervision of such other person's welfare, or (E) in
359 custody of law or detained in a hospital or other institution and the actor
360 has supervisory or disciplinary authority over such other person; or (2)
361 such person subjects another person to sexual contact without such
362 other person's consent; or (3) such person engages in sexual contact with
363 an animal; or (4) such person engages in sexual contact with a dead
364 human body; or [(4)] (5) such person is a psychotherapist and subjects
365 another person to sexual contact who is (A) a patient of the actor and
366 the sexual contact occurs during the psychotherapy session, or (B) a
367 patient or former patient of the actor and such patient or former patient
368 is emotionally dependent upon the actor, or (C) a patient or former
369 patient of the actor and the sexual contact occurs by means of
370 therapeutic deception; or [(5)] (6) such person subjects another person
371 to sexual contact and accomplishes the sexual contact by means of false
372 representation that the sexual contact is for a bona fide medical purpose
373 by a health care professional; or [(6)] (7) such person is a school
374 employee and subjects another person to sexual contact who is a student
375 enrolled in a school in which the actor works or a school under the
376 jurisdiction of the local or regional board of education which employs
377 the actor; or [(7)] (8) such person is a coach in an athletic activity or a
378 person who provides intensive, ongoing instruction and subjects
379 another person to sexual contact who is a recipient of coaching or
380 instruction from the actor and (A) is a secondary school student and
381 receives such coaching or instruction in a secondary school setting, or
382 (B) is under eighteen years of age; or [(8)] (9) such person subjects
383 another person to sexual contact and (A) the actor is twenty years of age
384 or older and stands in a position of power, authority or supervision over
385 such other person by virtue of the actor's professional, legal,
386 occupational or volunteer status and such other person's participation

387 in a program or activity, and (B) such other person is under eighteen
388 years of age; or [(9)] (10) such person subjects another person to sexual
389 contact who is placed or receiving services under the direction of the
390 Commissioner of Developmental Services in any public or private
391 facility or program and the actor has supervisory or disciplinary
392 authority over such other person.

393 (b) Sexual assault in the fourth degree is a class A misdemeanor or, if
394 the victim of the offense is under sixteen years of age, a class D felony.

395 Sec. 11. Section 54-130a of the general statutes is repealed and the
396 following is substituted in lieu thereof (*Effective October 1, 2023*):

397 (a) Jurisdiction over the granting of, and the authority to grant,
398 commutations of punishment or releases, conditioned or absolute, in the
399 case of any person convicted of any offense against the state and
400 commutations from the penalty of death shall be vested in the Board of
401 Pardons and Paroles.

402 (b) The board shall have authority to grant pardons, conditioned,
403 provisional or absolute, or certificates of rehabilitation for any offense
404 against the state at any time after the imposition and before or after the
405 service of any sentence.

406 (c) The board may accept an application for a pardon three years after
407 an applicant's conviction of a misdemeanor or violation and five years
408 after an applicant's conviction of a felony, except that the board, upon a
409 finding of extraordinary circumstances, may accept an application for a
410 pardon prior to such dates.

411 (d) Prior to holding a session to consider whether to grant any
412 commutation of punishment, release or pardon in the case of any person
413 convicted of any offense against the state, the board shall, upon written
414 request, provide the state's attorney for the jurisdictional district in
415 which any conviction for such offense was obtained with a copy of the
416 convicted person's application, any materials and documentation filed
417 in support thereof, except for any information contained in the

418 application, materials and documentation that are confidential,
419 privileged and nondisclosable pursuant to state or federal law, any
420 information obtained by the board about the convicted person pursuant
421 to section 54-130c, and shall permit such state's attorney, or such state's
422 attorney's designee, to appear at such session for the purpose of making
423 a statement for the record concerning whether the convicted person
424 should be granted any such commutation of punishment, release or
425 pardon.

426 [(d)] (e) Whenever the board grants an absolute pardon to any
427 person, the board shall cause notification of such pardon to be made in
428 writing to the clerk of the court in which such person was convicted, or
429 the Office of the Chief Court Administrator if such person was convicted
430 in the Court of Common Pleas, the Circuit Court, a municipal court, or
431 a trial justice court.

432 [(e)] (f) Whenever the board grants a provisional pardon or a
433 certificate of rehabilitation to any person, the board shall cause
434 notification of such provisional pardon or certificate of rehabilitation to
435 be made in writing to the clerk of the court in which such person was
436 convicted. The granting of a provisional pardon or a certificate of
437 rehabilitation does not entitle such person to erasure of the record of the
438 conviction of the offense or relieve such person from disclosing the
439 existence of such conviction as may be required.

440 [(f)] (g) In the case of any person convicted of a violation for which a
441 sentence to a term of imprisonment may be imposed, the board shall
442 have authority to grant a pardon, conditioned, provisional or absolute,
443 or a certificate of rehabilitation in the same manner as in the case of any
444 person convicted of an offense against the state.

445 [(g)] (h) The board shall not deny any application for a pardon, unless
446 the board provides a statement in writing to the applicant of the factors
447 considered when determining whether the applicant qualified for the
448 pardon and an explanation as to which factors were not satisfied.

449 Sec. 12. Section 53a-32 of the general statutes is repealed and the

450 following is substituted in lieu thereof (*Effective October 1, 2023*):

451 (a) At any time during the period of probation or conditional
452 discharge, the court or any judge thereof may issue a warrant for the
453 arrest of a defendant for violation of any of the conditions of probation
454 or conditional discharge, or may issue a notice to appear to answer to a
455 charge of such violation, which notice shall be personally served upon
456 the defendant. Any such warrant shall authorize all officers named
457 therein to return the defendant to the custody of the court or to any
458 suitable detention facility designated by the court. Whenever a
459 probation officer has probable cause to believe that a person has violated
460 a condition of such person's probation, such probation officer may
461 notify any police officer that such person has, in such officer's judgment,
462 violated the conditions of such person's probation and such notice shall
463 be sufficient warrant for the police officer to arrest such person and
464 return such person to the custody of the court or to any suitable
465 detention facility designated by the court. Whenever a probation officer
466 so notifies a police officer, the probation officer shall notify the victim of
467 the offense for which such person is on probation, and any victim
468 advocate assigned to assist the victim, provided the probation officer
469 has been provided with the name and contact information for such
470 victim or victim advocate. Any probation officer may arrest any
471 defendant on probation without a warrant or may deputize any other
472 officer with power to arrest to do so by giving such other officer a
473 written statement setting forth that the defendant has, in the judgment
474 of the probation officer, violated the conditions of the defendant's
475 probation. Such written statement, delivered with the defendant by the
476 arresting officer to the official in charge of any correctional center or
477 other place of detention, shall be sufficient warrant for the detention of
478 the defendant. After making such an arrest, such probation officer shall
479 present to the detaining authorities a similar statement of the
480 circumstances of violation. Provisions regarding release on bail of
481 persons charged with a crime shall be applicable to any defendant
482 arrested under the provisions of this section. Upon such arrest and
483 detention, the probation officer shall immediately so notify the court or
484 any judge thereof.

485 (b) When the defendant is presented for arraignment on the charge
486 of violation of any of the conditions of probation or conditional
487 discharge, the court shall review any conditions previously imposed on
488 the defendant and may order, as a condition of the pretrial release of the
489 defendant, that the defendant comply with any or all of such conditions
490 in addition to any conditions imposed pursuant to section 54-64a.
491 Unless the court, pursuant to subsection (c) of section 54-64a, orders that
492 the defendant remain under the supervision of a probation officer or
493 other designated person or organization, the defendant shall be
494 supervised by the Court Support Services Division of the Judicial
495 Branch in accordance with subsection (a) of section 54-63b.

496 (c) Upon notification by the probation officer of the arrest of the
497 defendant or upon an arrest by warrant as [herein] provided in this
498 section, the court shall cause the defendant to be brought before it
499 without unnecessary delay for a hearing on the violation charges. The
500 Court Support Services Division shall establish within its policies and
501 procedures a requirement that any victim of the offense for which the
502 defendant is on probation or conditional discharge be notified of such
503 arrest for a violation of any of the conditions of probation or discharge.
504 The Court Support Services Division shall also provide the victim with
505 notice of the first hearing date after arraignment on the violation of
506 probation or conditional discharge charges, as well as information on
507 registering for the state-wide automated victim information and
508 notification system.

509 (d) At such hearing the defendant shall be informed of the manner in
510 which such defendant is alleged to have violated the conditions of such
511 defendant's probation or conditional discharge, shall be advised by the
512 court that such defendant has the right to retain counsel and, if indigent,
513 shall be entitled to the services of the public defender, and shall have
514 the right to cross-examine witnesses and to present evidence in such
515 defendant's own behalf. Unless good cause is shown, a charge of
516 violation of any of the conditions of probation or conditional discharge
517 shall be disposed of or scheduled for a hearing not later than one
518 hundred twenty days after the defendant is arraigned on such charge.

519 [(d) If such violation is established,] (e) If a violation of the conditions
 520 of the defendant's probation or conditional discharge is established, the
 521 court shall permit the victim of the offense for which the defendant is
 522 on probation or received a conditional discharge to appear before the
 523 court for the purpose of making a statement for the record concerning
 524 the defendant's violation of probation or conditional discharge. In lieu
 525 of such appearance, the victim may submit a written statement to the
 526 court and the court shall make such statement a part of the record. The
 527 court shall consider any statement made or submitted by such victim
 528 and, after doing so, the court may: (1) Continue the sentence of
 529 probation or conditional discharge; (2) modify or enlarge the conditions
 530 of probation or conditional discharge; (3) extend the period of probation
 531 or conditional discharge, provided the original period with any
 532 extensions shall not exceed the periods authorized by section 53a-29; or
 533 (4) revoke the sentence of probation or conditional discharge. If such
 534 sentence is revoked, the court shall require the defendant to serve the
 535 sentence imposed or impose any lesser sentence. Any such lesser
 536 sentence may include a term of imprisonment, all or a portion of which
 537 may be suspended entirely or after a period set by the court, followed
 538 by a period of probation with such conditions as the court may establish.
 539 No such revocation shall be ordered, except upon consideration of the
 540 whole record and unless such violation is established by the
 541 introduction of reliable and probative evidence and by a preponderance
 542 of the evidence.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2023	53a-39
Sec. 2	October 1, 2023	17a-566(a)
Sec. 3	October 1, 2023	18-100h(a)
Sec. 4	October 1, 2023	21a-279a(k)
Sec. 5	October 1, 2023	14-36(i)
Sec. 6	October 1, 2023	14-215(b)
Sec. 7	October 1, 2023	51-164n(b)
Sec. 8	October 1, 2023	29-6d(f)
Sec. 9	October 1, 2023	53a-65(3)

Sec. 10	<i>October 1, 2023</i>	53a-73a
Sec. 11	<i>October 1, 2023</i>	54-130a
Sec. 12	<i>October 1, 2023</i>	53a-32

JUD *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 24 \$	FY 25 \$
Judicial Dept.	GF - Cost	835,000	1,105,000
State Comptroller - Fringe Benefits ¹	GF - Cost	330,000	451,000
Resources of the General Fund	GF - See Below	See Below	See Below
Judicial Dept. (Probation); Correction, Dept.	GF - See Below	See Below	See Below

Note: GF=General Fund

Municipal Impact: None

Explanation

This bill makes changes to various statutes related to cannabis, driving offenses, rent issues, sexual assault in the 4th degree, and victim notification and has fiscal impacts as described below.

Section 4 makes exceptions to when a person may be charged with excessive possession of cannabis which results in a potential savings for a reduction in incarceration² or probation³ and a potential revenue loss from fines.

¹The fringe benefit costs for most state employees are budgeted centrally in accounts administered by the Comptroller. The estimated active employee fringe benefit cost associated with most personnel changes is 42.82% of payroll in FY 24.

² On average, the marginal cost to the state for incarcerating an offender for the year is \$2,500. Inmate marginal cost is based on increased consumables (e.g. food, clothing, water, sewage, living supplies, etc.) This does not include a change in staffing costs or utility expenses because these would only be realized if a unit or facility opened.

³ The average marginal cost for supervision in the community is about \$800 each year. Probation marginal cost is based on services provided by private providers and only includes costs that increase with each additional participant. This does not include a cost for additional supervision by a probation officer unless a new offense is anticipated to result in enough additional offenders to require additional probation officers.

Sections 5 and 6 add a condition to a 90-day minimum sentence for certain driving related offenses which results in a potential savings for a reduction in incarceration or probation and a potential revenue loss from fines. See footnotes 2 and 3 for more information.

Section 7 removes a violation that can be paid by mail and requires a court appearance for certain offenses related to illegal rent issues. This does not result in any fiscal impact to the state or municipalities. The court system disposes of over 250,000 cases annually and the number of cases is not anticipated to be great enough to need additional resources for this provision.

Sections 9 and 10 add to the definition of sexual assault in the 4th degree to include the sexual assault of a dead body which results in potential cost for incarceration or probation and a potential revenue gain from fines. On average, the marginal cost to the state for incarcerating an offender for the year is \$2,500 while the average marginal cost for supervision in the community is less than \$800 each year. See footnotes 1 and 2 for more information.

Section 12 expands the victim notification from the Judicial Department in cases where a defendant has violated conditions of probation or discharge which results in an estimated cost of \$835,000 in FY 24⁴ and \$1,105,000 in FY 25⁵ to the Judicial Department and \$330,000 in FY 24 and \$451,000 in FY 25 to the Office of the State Comptroller. The FY 24 estimate represents a partial fiscal year for implementation on October 1, 2023. There would be a need for about 18 intake assistant staff members, associated other expenses, and equipment costs in FY 24.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to the number of relevant offenses and violations.

⁴ Personal Services \$770,000; Other Expenses \$38,000; Equipment Cost \$27,000

⁵ Personal Services \$1,052,000; Other Expenses \$53,000

OLR Bill Analysis**sHB 6917****AN ACT CONCERNING VARIOUS REVISIONS TO THE CRIMINAL LAW AND CRIMINAL JUSTICE STATUTES.**

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Prohibits a defendant from filing a motion for a (1) sentence reduction or discharge from incarceration within five years after the most recent decision granting him or her relief in full or (2) sentence reduction within three years after the most recent decision granting relief in part

§ 2 — EXAMINATION OF CONVICTED DEFENDANT

Allows a court to order the DMHAS commissioner to examine any defendant convicted of a crime with a possible penalty of incarceration at any correctional institution who may be a danger to self or others

§ 3 — HOME CONFINEMENT FOR CERTAIN OFFENDERS

Allows the DOC commissioner to release a person to home confinement after conviction for avoiding, tampering with, or failing to install an ignition interlock device

§ 4 — IMMUNITY FROM ILLEGAL CANNABIS POSSESSION PENALTIES

Grants immunity from illegal cannabis possession penalties to people seeking medical assistance in good faith for themselves or others during an overdose

§§ 5 & 6 — PENALTIES FOR RECURRING MOTOR VEHICLE LICENSE VIOLATIONS

Allows the court to impose a 90-day minimum prison sentence for certain recurring vehicular violations only in the absence of any court-determined mitigating circumstances

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Removes a violation from the list of violations handled by the Superior Court's Centralized Infractions Bureau

§ 8 — PUBLIC DISCLOSURE OF BODY AND DASHBOARD CAMERA FOOTAGE

Allows up to 144 hours in delayed public disclosure of recorded footage if an affected officer is not reasonably able to review the recording due to a medical, physical, or psychological response to the incident

§§ 9 & 10 — 4TH DEGREE SEXUAL ASSAULT

Defines "sexual contact" for the crime of 4th degree sexual assault with regard to sexual contact with a dead body, and specifies that the crime pertains to a human dead body

§ 11 — COMMUTATION OF PUNISHMENT, RELEASE, OR PARDON

Requires the Board of Pardons and Paroles to give copies of a convicted person's application for commutation, pardon, or release, and related materials, to the state's attorney before holding a session to consider the application; requires the board to allow the state's attorney to make a statement at the session

§ 12 — VICTIM NOTICE AND COURT APPEARANCE

Requires that CSSD notify victims about a defendant's arrest for violating probation or discharge conditions, and requires the court to allow victims to deliver an in-person or written statement to the court for the record about the defendant's violation

BACKGROUND

SUMMARY

This bill makes various unrelated changes in the criminal law and criminal justice statutes. It also makes technical and conforming changes.

A section-by-section analysis follows.

EFFECTIVE DATE: October 1, 2023

§ 1 — SENTENCE MODIFICATIONS

Prohibits a defendant from filing a motion for a (1) sentence reduction or discharge from incarceration within five years after the most recent decision granting him or her relief in full or (2) sentence reduction within three years after the most recent decision granting relief in part

Existing law allows a sentencing court or judge, at any time during a defendant's incarceration period and after a hearing and for good cause shown, to reduce the defendant's sentence; order the defendant's discharge; or order the defendant's discharge on probation or conditional discharge.

Currently, the law prohibits a defendant from filing a subsequent motion for relief under these provisions until five years after the date of the most recent decision denying him or her relief by a sentence reduction or discharge. The bill extends this prohibition to the most recent decision granting him or her relief in full by a sentence reduction or discharge. It also creates a new prohibition, barring a defendant from filing a subsequent motion for relief until three years after the date of the most recent decision granting him or her relief in part by a sentence reduction. These provisions do not apply to mandatory minimum sentences, which the court cannot suspend or reduce.

The bill also requires a defendant to give the state a copy of a motion he or she files to reduce or suspend a sentence, along with any supporting materials.

§ 2 — EXAMINATION OF CONVICTED DEFENDANT

Allows a court to order the DMHAS commissioner to examine any defendant convicted of a crime with a possible penalty of incarceration at any correctional institution who may be a danger to self or others

By law, if a court believes that a convicted defendant has psychiatric disabilities and is a danger to himself, herself, or others, it may order the Department of Mental Health and Addiction Services (DMHAS) commissioner, prior to sentencing, to examine a convicted defendant using qualified hospital personnel. This provision currently applies to any defendant convicted of (1) specified sex offenses or (2) an offense that may carry the penalty of imprisonment at the Connecticut Correctional Institution at Somers (known as the Osborn Correctional Institution since 1994). The bill broadens the court's authority to order a defendant's examination for an offense that may result in imprisonment at any Connecticut correctional institution, not just Osborn.

By law and unchanged by the bill, after the examination the commissioner must report to the court on whether the defendant should be committed to the hospital's diagnostic unit for more exams or be sentenced as convicted.

§ 3 — HOME CONFINEMENT FOR CERTAIN OFFENDERS

Allows the DOC commissioner to release a person to home confinement after conviction for avoiding, tampering with, or failing to install an ignition interlock device

By law, the Department of Correction (DOC) commissioner may release a person to home confinement (i.e., cannot leave home without authorization) after undergoing admission and a risk and needs assessment in the commissioner's custody, if he or she is sentenced to prison for any of the following vehicular crimes:

1. operating a motor vehicle with a refused, suspended, or revoked license or registration;
2. operating a motor vehicle in violation of an operator's license restriction or limitation on the right to operate a motor vehicle requiring use of an ignition interlock device;
3. driving under the influence (DUI); or
4. a first-time conviction for operating a motor vehicle with a child passenger while under the influence of alcohol or drugs or while having an elevated blood alcohol content.

The bill extends the commissioner's authority to release a person to home confinement after conviction for avoiding, tampering with, or failing to install an ignition interlock device. (An ignition interlock is a breath-testing device connected to a motor vehicle's ignition system. It prevents the driver from operating the vehicle if it detects a pre-determined level of alcohol in the driver's breath.)

§ 4 — IMMUNITY FROM ILLEGAL CANNABIS POSSESSION PENALTIES

Grants immunity from illegal cannabis possession penalties to people seeking medical assistance in good faith for themselves or others during an overdose

Existing law allows people age 21 or older to possess, use, or otherwise consume cannabis, up to a specified possession limit (e.g., 1.5 ounces of cannabis plant material and five ounces of this material if it is in a locked container in the person's residence or locked glove box or trunk in the person's motor vehicle, an equivalent amount of cannabis products, or an equivalent combined amount of cannabis and cannabis products). Violators are subject to a range of penalties, depending on their age and the amount of cannabis or cannabis product in their possession.

The bill grants immunity from illegal cannabis possession penalties to the following people found to be in possession of cannabis plant material or product:

1. anyone who seeks medical assistance in good faith for another person based upon a reasonable belief that the person is overdosing on intoxicating liquor or any drug or substance,
2. anyone for whom another person seeks medical assistance in good faith based upon a reasonable belief that the person is overdosing in this way, or
3. anyone who reasonably believes that he or she is overdosing in this way and seeks medical assistance in good faith for himself or herself.

The bill excludes from "good faith" the act of seeking medical assistance while an arrest warrant, search warrant, or lawful search is being executed.

§§ 5 & 6 — PENALTIES FOR RECURRING MOTOR VEHICLE LICENSE VIOLATIONS

Allows the court to impose a 90-day minimum prison sentence for certain recurring vehicular violations only in the absence of any court-determined mitigating circumstances

Motor Vehicle Operator Licensure Violations. Existing law imposes fines, incarceration, or both as penalties for a person who violates any provision in the driver's license law (e.g., requirements for permits and licenses depending on a driver's age) (CGS § 14-36). A first

offense is considered an infraction and carries a \$75-\$90 fine. Any subsequent offense carries a penalty of either a \$250-\$350 fine, imprisonment for up to 30 days, or both.

In addition to the above penalties, current law imposes a mandatory one year prison sentence with a 90-day minimum if, before a person's present violation, he or she committed any of the following violations two or more times: (1) a violation of the driver's license law; (2) operation of a motor vehicle with a refused, suspended, or revoked license or registration; or (3) any combination of these. The bill adds a condition to the 90-day minimum sentence, permitting it only in the absence of any court-determined mitigating circumstances.

Operating a Motor Vehicle Without a Valid License or Registration. Similarly, the law imposes fines, incarceration, or both as penalties for a person who operates a motor vehicle with a refused, suspended, or revoked license or registration. A first offense carries a penalty of either a \$150-\$200 fine, imprisonment for up to three months, or both. Any subsequent offense carries a penalty of either a \$200-\$600 fine, imprisonment for up to one year, or both.

In addition to the above penalties, current law imposes a mandatory one year prison sentence with a 90-day minimum if, before a person's present violation, he or she committed any of the following violations two or more times: (1) operation of a motor vehicle with a refused, suspended, or revoked license or registration; (2) operation of a motor vehicle without a license; or (3) any combination of these. The bill adds a condition to the 90-day minimum sentence, permitting it only in the absence of any court-determined mitigating circumstances.

By law and unchanged by the bill, a person is subject to larger fines and longer incarceration periods for operating a motor vehicle (1) in violation of a limitation placed by the Department of Motor Vehicles commissioner or a court order or (2) during the period the person's operator's license or right to operate a motor vehicle in this state is under suspension or revocation for committing the following crimes:

1. driving under the influence or with an elevated blood alcohol content;
2. driving under the influence or with an elevated blood alcohol content with a child passenger;
3. driving a school bus, student transportation vehicle, or other motor vehicle specifically designated for carrying children while under the influence or with an elevated blood alcohol content, or doing so with a child under age 18 as a passenger;
4. 2nd degree vehicular manslaughter;
5. 2nd degree assault with a motor vehicle; or
6. driving with a revoked license or suspended operating privilege after refusing to submit to a blood, breath, or urine test or to the nontestimonial part of drug influence evaluation.

§ 7 — CENTRALIZED INFRACTIONS BUREAU

Removes a violation from the list of violations handled by the Superior Court's Centralized Infractions Bureau

The bill removes a violation from the list of violations handled by the Superior Court's Centralized Infractions Bureau, which processes payments or not guilty pleas for committing infractions or violations. Generally, anyone who is alleged to have committed an infraction or certain violations may either plead not guilty or pay by mail the set fine and any other fee or cost the law prescribes.

Specifically, the bill removes a violation related to an order of rent reduction or suspension, which is subject to a fine. Under current law, the violator can mail the file to the Centralized Infractions Bureau without making a court appearance. But under the bill, fines can no longer be mailed in, so a court appearance is required. By law, the following actions are considered violations, subject to a fine of \$25-\$100 per offense:

1. demanding, accepting, or receiving an excess amount of rent

- while the order is in affect and no appeal is pending;
2. refusing to obey a rent commission's subpoena, order, or decision; or
 3. violating any other provision of the laws on fair rent and retaliatory actions by landlords.

§ 8 — PUBLIC DISCLOSURE OF BODY AND DASHBOARD CAMERA FOOTAGE

Allows up to 144 hours in delayed public disclosure of recorded footage if an affected officer is not reasonably able to review the recording due to a medical, physical, or psychological response to the incident

By law, an officer has the right to review recordings from officer-worn body cameras or dashboard cameras if the officer (1) has been asked to give a formal statement about the alleged use of force, (2) is the subject of a disciplinary investigation, or (3) has his or her image or voice captured on the recording. This recorded footage must be disclosed to the public upon request within either of the following timeframes, whichever is earlier: (1) 48 hours after the officer reviews it or (2) if the officer does not review the recording, either 96 hours after the disciplinary investigation begins or, for officers not subject to investigation, within 96 hours after the request for public disclosure.

The bill allows delayed public disclosure for up to 144 hours after the recorded event if the officer is not reasonably able to review the recording due to a medical or physical response or an acute psychological stress response to the incident.

§§ 9 & 10 — 4TH DEGREE SEXUAL ASSAULT

Defines "sexual contact" for the crime of 4th degree sexual assault with regard to sexual contact with a dead body, and specifies that the crime pertains to a human dead body

The bill specifies that the crime of 4th degree sexual assault for sexual contact with a dead body pertains to a human body. It also defines "sexual contact" with dead human bodies as sexual assault victims to mean any contact with the intimate parts of a dead human body, or any contact of the actor's intimate parts with a dead human body, for the actor's sexual gratification.

By law and unchanged by the bill, 4th degree sexual assault is a class A misdemeanor punishable by up to 364 days in prison, a fine of up to \$2,000, or both. However, if the victim is under age 16, it is a class D felony punishable by up to five years in prison, a fine of up to \$5,000, or both.

§ 11 — COMMUTATION OF PUNISHMENT, RELEASE, OR PARDON

Requires the Board of Pardons and Paroles to give copies of a convicted person's application for commutation, pardon, or release, and related materials, to the state's attorney before holding a session to consider the application; requires the board to allow the state's attorney to make a statement at the session

The Board of Pardons and Paroles ("the board") has the authority under state law to grant commutations of punishment, release, pardons, and certificates of rehabilitation to any person convicted of any offense against the state. Before holding a session to consider granting a commutation of punishment, release, or pardon, the bill requires the board to give the state's attorney for the district in which the conviction was obtained the following items upon written request:

1. a copy of the convicted person's application;
2. any supporting materials and documents filed, except for confidential, privileged, and non-disclosable information under state or federal law that they may contain; and
3. any information obtained by the board about the convicted person's previous history or character from each prosecuting officer, judge, police officer, or other person who may have information about the person's habits, disposition, career, and associates.

The bill also requires the board to allow this state's attorney or his or her designee to appear at the session to make a statement for the record about whether the convicted person should be granted any commutation of punishment, release, or pardon.

§ 12 — VICTIM NOTICE AND COURT APPEARANCE

Requires that CSSD notify victims about a defendant's arrest for violating probation or discharge conditions, and requires the court to allow victims to deliver an in-person or written statement to the court for the record about the defendant's violation

Notice

The bill requires the judicial branch's Court Support Services Division (CSSD) to establish a policy requiring that when a defendant is arrested for violating conditions of probation or discharge, any victim of the defendant's original offense be notified of the arrest. It also requires CSSD to give the victim (1) notice of the first hearing date after the defendant's arraignment on charges of violating probation or conditional discharge and (2) information on registering for the statewide automated victim information and notification system (CT SAVIN; see BACKGROUND).

Court Appearance

If the court finds that the defendant has violated probation or conditional discharge conditions, the bill requires it to allow the victim of the defendant's original offense to appear before the court to make a statement for the record about the defendant's violation of these conditions. The bill also allows the victim to submit a written statement to court in place of appearing in person; the court must make any written statement part of the record.

The bill requires the court to consider any victim statement made, either in-person or in writing, when deciding whether to continue the defendant's sentence; modify or enlarge the conditions of probation or discharge; or extend or revoke the probation or conditional discharge period.

BACKGROUND

CT SAVIN

The judicial branch's statewide automated victim information and notification system (CT SAVIN) is a fully automated service that helps keep crime victims and interested individuals informed of the progress of offender cases through the Connecticut criminal court process (CGS § 54-235).

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute

Yea 34 Nay 3 (03/28/2023)