



House of Representatives

General Assembly

File No. 539

February Session, 2024

Substitute House Bill No. 5466

House of Representatives, April 17, 2024

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 THE PERIOD OF TIME DURING WHICH ELECTIONS-RELATED CRIMES MAY BE PROSECUTED.

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

1 Section 1. (NEW) (*Effective October 1, 2024, and applicable to any offense*
2 *committed on or after October 1, 2024, and to any offense committed prior to*
3 *October 1, 2024, for which the statute of limitations in effect at the time of the*
4 *commission of the offense had not yet expired as of October 1, 2024, or to any*
5 *offense for which a complaint, statement or evidence concerning such offense is*
6 *referred by the State Elections Enforcement Commission to the Chief State's*
7 *Attorney on or after April 1, 2024) No person may be prosecuted for any*
8 *crime or offense resulting from a referral to the Chief State's Attorney*
9 *by the State Elections Enforcement Commission pursuant to section 9-*
10 *7a or 9-7b of the general statutes, of any complaint, statement or*
11 *evidence bearing upon a violation of any provision of chapter 149, 151*
12 *to 153, inclusive, 155, 156 or 157 of the general statutes or any other*
13 *provision of the general statutes pertaining to or relating to any election,*
14 *primary or referendum, except during the period of time that (1) is*
15 *prescribed by section 54-193 of the general statutes; or (2) begins on the*

16 date of such referral and ends six months following the date of such
17 referral, whichever period of time ends later.

| | | |
|-------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------|
| This act shall take effect as follows and shall amend the following sections: | | |
| Section 1 | <i>October 1, 2024, and applicable to any offense committed on or after October 1, 2024, and to any offense committed prior to October 1, 2024, for which the statute of limitations in effect at the time of the commission of the offense had not yet expired as of October 1, 2024, or to any offense for which a complaint, statement or evidence concerning such offense is referred by the State Elections Enforcement Commission to the Chief State's Attorney on or after April 1, 2024</i> | New section |

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 25 \$ | FY 26 \$ |
|--------------------------------------------------|--------------------------------|----------|----------|
| Judicial Dept. (Probation); Correction, Dept. | GF - Potential Cost | Minimal | Minimal |
| Resources of the General Fund | GF - Potential Revenue Gain | Minimal | Minimal |
| Criminal Justice, Div. | GF - Potential Cost | Minimal | Minimal |

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill, which extends the statute of limitation in certain situations for elections related crimes, results in a minimal potential cost to the Judicial Department and the Department of Correction and a potential revenue gain to the General Fund from fines. On average, the marginal cost to the state for incarcerating an offender for the year is \$3,300¹ while the average marginal cost for supervision in the community is less than \$800² each year for adults and \$1,000 each year for juveniles. Few violations are anticipated to occur in the future.

¹Inmate 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.

²Probation 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.

The Out Years

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

OLR Bill Analysis**sHB 5466*****AN ACT CONCERNING THE PERIOD OF TIME DURING WHICH ELECTIONS-RELATED CRIMES MAY BE PROSECUTED.*****SUMMARY**

By law, the State Elections Enforcement Commission (SEEC) receives complaints from the secretary of the state, registrars of voters, town clerks, and individuals under oath about alleged election law violations. The commission investigates and holds hearings as it deems appropriate and may refer to the chief state's attorney any evidence of a violation for possible prosecution.

This bill, in certain circumstances, extends the time period during which an alleged election law violation referred from SEEC may be prosecuted. Specifically, it allows prosecution during the (1) existing statute of limitations period or (2) six months from when SEEC referred the complaint to the chief state's attorney, whichever period ends later.

The statute of limitations varies based on the offense committed. With certain exceptions, prosecutors may begin a prosecution within (1) five years after the crime was committed for felonies and (2) one year after the crime was committed for misdemeanors (CGS § 54-193).

EFFECTIVE DATE: October 1, 2024, and applicable to (1) offenses committed on or after that date, (2) offenses committed before that date for which the statute of limitations in effect at the time of the offense had not yet expired as of October 1, 2024, or (3) any offense SEEC referred to the chief state's attorney on or after April 1, 2024.

BACKGROUND***Related Bill***

sHB 5498 (§ 30), favorably reported by the Government Administration and Elections Committee, requires certain complaints filed with SEEC on or after July 1, 2024, to be referred to the chief state’s attorney for further enforcement action.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute

Yea 36 Nay 0 (03/28/2024)