



House of Representatives

General Assembly

File No. 543

February Session, 2024

Substitute House Bill No. 5500

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 REVISIONS TO VARIOUS LAWS CONCERNING JUROR COMPENSATION, IGNITION INTERLOCK DEVICES, THE DEPARTMENT OF CORRECTION, JUDICIAL RETIREMENT SALARIES AND CRIMINAL LAW AND CRIMINAL PROCEDURE.

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

1 Section 1. Section 51-247 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2024*):

3 (a) Each full-time employed juror shall be paid regular wages by the
4 juror's employer for the first five days, or part thereof, of jury service.
5 Such payment shall be subject to the requirements of section 31-71b and
6 any employer who violates this section shall be subject to the provisions
7 of sections 31-71g and 31-72. A person shall not be considered a full-time
8 employed juror on any day of jury service in which such person (1)
9 would not have accrued regular wages to be paid by the employer if
10 such person were not serving as a juror on that day, or (2) would not
11 have worked more than one-half of a shift which extends into another
12 day if such person were not serving as a juror on that day. Each part-

13 time employed or unemployed juror who has no source of
14 compensation for the first five days of jury service shall receive a flat fee
15 equal to the minimum fair wage, as defined in section 31-58, in effect on
16 the days of jury service, based on an eight-hour day. Each juror not
17 considered a full-time employed juror on a particular day of jury service
18 pursuant to subdivision (1) or (2) of this subsection shall be reimbursed
19 by the state for necessary out-of-pocket expenses incurred during that
20 day of jury service. [, provided such day of service is within the first five
21 days, or part thereof, of jury service.] Each part-time employed juror and
22 unemployed juror shall be reimbursed by the state for necessary out-of-
23 pocket expenses incurred during the first five days, or part thereof, of
24 jury service. Necessary out-of-pocket expenses shall include, but not be
25 limited to, [twenty cents] family care at a rate established by the Jury
26 Administrator under subsection (b) of this section and travel expenses,
27 based on the privately owned vehicle mileage reimbursement rate
28 established by the federal General Services Administration, for each
29 mile of travel from the juror's place of residence to the place of holding
30 the court and return, and shall exclude food. The mileage shall be
31 determined by the shortest direct route either by highway or by any
32 regular line of conveyance between the points. A reimbursement award
33 under this subsection for each day of service shall not be less than
34 twenty dollars or more than [fifty dollars] the minimum fair wage, as
35 defined in section 31-58, in effect on the days of jury service, based on
36 an eight-hour day. For the purposes of this subsection, "full-time
37 employed juror" means an employee holding a position normally
38 requiring thirty hours or more of service in each week, which position
39 is neither temporary nor casual, and includes an employee holding a
40 position through a temporary help service, as defined in section 31-129,
41 which position normally requires thirty hours or more of service in each
42 week, who has been working in that position for a period exceeding
43 ninety days, and "part-time employed juror" means an employee
44 holding a position normally requiring less than thirty hours of service
45 in each week or an employee working on a temporary or casual basis.
46 In the event that a juror may be considered to be both a full-time
47 employed juror and a part-time employed juror for any day of the first

48 five days, or part thereof, of jury service, such juror shall, for the
49 purposes of this section, be considered to be a full-time employed juror
50 only.

51 (b) The Jury Administrator shall establish guidelines for
52 reimbursement of expenses pursuant to this section.

53 (c) Each juror who serves more than five days who is not paid by such
54 juror's employer after the fifth day shall be paid by the state for the sixth
55 day and each day thereafter [at a rate of fifty dollars] a flat fee equal to
56 the minimum fair wage, as defined in section 31-58, in effect on the days
57 of jury service, based on an eight-hour day, per day of service. A juror
58 receiving payment under this subsection shall not be entitled to any
59 additional reimbursement. An unemployed or part-time employed
60 juror who serves more than five days shall also be entitled to family care
61 and travel expenses paid at the rate specified in subsection (a) of this
62 section and subject to the guidelines established in subsection (b) of this
63 section.

64 Sec. 2. Subsection (c) of section 29-38c of the 2024 supplement to the
65 general statutes is repealed and the following is substituted in lieu
66 thereof (*Effective October 1, 2024*):

67 (c) A risk protection order issued under subsection (a) of this section,
68 may issue only on an affidavit sworn to by the complainant establishing
69 the grounds for issuing the order. A risk warrant issued under
70 subsection (a) of this section may issue only on an affidavit sworn to by
71 the complainant before the judge establishing the grounds for issuing
72 the warrant. Any such affidavit shall be part of the court file. In
73 determining whether there is probable cause for a risk protection order
74 and warrant, if applicable, under subsection (a) of this section, the judge
75 shall consider: (1) Recent threats or acts of violence by such person
76 directed toward other persons; (2) recent threats or acts of violence by
77 such person directed toward such person's self; and (3) recent acts of
78 cruelty to animals as provided in subsection (b) of section 53-247 by such
79 person. In evaluating whether such recent threats or acts of violence
80 constitute probable cause to believe that such person poses a risk of

81 imminent personal injury to such person's self or to others, the judge
82 may consider other factors including, but not limited to (A) the reckless
83 use, display or brandishing of a firearm or other deadly weapon by such
84 person, (B) a history of the use, attempted use or threatened use of
85 physical force by such person against other persons, (C) prior
86 involuntary confinement of such person in a hospital for persons with
87 psychiatric disabilities, and (D) the illegal use of controlled substances
88 or abuse of alcohol by such person. In the case of a complaint made
89 under subsection (a) of this section, if the judge is satisfied that the
90 grounds for the complaint exist or that there is probable cause to believe
91 that such grounds exist, such judge shall issue a risk protection order
92 and warrant, if applicable, naming or describing the person, and, in the
93 case of the issuance of a warrant, the place or thing to be searched. The
94 order and warrant, if applicable, shall be directed to any police officer
95 of a regularly organized police department or any state police officer.
96 The order and warrant, if applicable, shall state the grounds or probable
97 cause for issuance and, in the case of a warrant, the warrant shall
98 command the officer to search within a reasonable time the person,
99 place or thing named for any and all firearms and other deadly weapons
100 and ammunition. A copy of the order and warrant, if applicable, shall
101 be served upon the person named in the order not later than three days
102 prior to the hearing scheduled pursuant to subsection (e) of this section,
103 together with a notice informing the person that such person has the
104 right to a hearing under this section, the telephone number for the court
105 clerk who can inform the person of the date and time of such hearing
106 and the right to be represented by counsel at such hearing. If the person
107 is unable to afford counsel and is represented by a public defender or
108 an assigned counsel in a pending criminal proceeding in a court in this
109 state, counsel shall be appointed on behalf of such person if determined
110 to be eligible under the provisions of chapter 887 for purposes of in-
111 court proceedings pursuant to this section.

112 Sec. 3. Section 54-56l of the general statutes is repealed and the
113 following is substituted in lieu thereof (*Effective October 1, 2024*):

114 (a) There shall be a supervised diversionary program for persons

115 with psychiatric disabilities, persons with intellectual disabilities,
116 persons with autism spectrum disorder or persons who are veterans,
117 who are accused of a crime or crimes or a motor vehicle violation or
118 violations for which a sentence to a term of imprisonment may be
119 imposed, which crimes or violations are not of a serious nature. For the
120 purposes of this section, (1) "psychiatric disability" means a mental or
121 emotional condition, other than solely substance abuse, that (A) has
122 substantial adverse effects on the defendant's ability to function, and (B)
123 requires care and treatment, (2) "autism spectrum disorder" has the
124 same meaning as provided in section 17a-215f, and [(2)] (3) "veteran"
125 means a veteran, as defined in section 27-103, who is found, pursuant to
126 subsection (d) of this section, to have a mental health condition that is
127 amenable to treatment.

128 (b) A person shall be ineligible to participate in such supervised
129 diversionary program if such person (1) is ineligible to participate in the
130 pretrial program for accelerated rehabilitation under subsection (c) of
131 section 54-56e, except if a person's ineligibility is based on the person's
132 being eligible for the pretrial family violence education program
133 established under section 46b-38c, the court may permit such person to
134 participate in the supervised diversionary program if it finds that the
135 supervised diversionary program is the more appropriate program
136 under the circumstances of the case, or (2) has twice previously
137 participated in such supervised diversionary program.

138 (c) Upon application by any such person for participation in such
139 program, the court shall, but only as to the public, order the court file
140 sealed, provided such person states under oath, in open court or before
141 any person designated by the clerk and duly authorized to administer
142 oaths, under penalties of perjury, that such person has not had such
143 program invoked in such person's behalf more than once. Court
144 personnel shall provide notice, on a form prescribed by the Office of the
145 Chief Court Administrator, to any victim of such crime or motor vehicle
146 violation, by registered or certified mail, that such person has applied to
147 participate in the program and that such victim has an opportunity to
148 be heard by the court on the matter.

149 (d) The court shall refer such person to the Court Support Services
150 Division for confirmation of eligibility and assessment of the person's
151 mental health condition, intellectual disability or autism spectrum
152 disorder. The prosecuting attorney shall provide the division with a
153 copy of the police report in the case to assist the division in its
154 assessment. The division shall determine if the person is amenable to
155 treatment and if appropriate community supervision, treatment and
156 services are available. If such assessment is for an intellectual disability
157 or autism spectrum disorder, the Department of Developmental
158 Services, the Department of Social Services or the Department of Mental
159 Health and Addiction Services shall assist the division in conducting
160 such assessment and identifying appropriate treatment and services. If
161 the division determines that the person is amenable to treatment and
162 that appropriate community supervision, treatment and services are
163 available, the division shall develop a treatment plan tailored to the
164 person and shall present the treatment plan to the court.

165 (e) Upon confirmation of eligibility and consideration of the
166 treatment plan presented by the Court Support Services Division, the
167 court may grant the application for participation in the program. If the
168 court grants the application, such person shall be referred to the
169 division. [The division may collaborate with the Department of Mental
170 Health and Addiction Services, the Department of Veterans Affairs or
171 the United States Department of Veterans Affairs, as applicable, to place
172 such person in a program that provides appropriate community
173 supervision, treatment and services.] The person shall be subject to the
174 supervision of a probation officer who has a reduced caseload and
175 specialized training in working with persons with psychiatric
176 disabilities, intellectual disabilities and autism spectrum disorder.

177 (f) The Court Support Services Division shall establish policies and
178 procedures to require division employees to notify any victim of the
179 person admitted to the program of any conditions ordered by the court
180 that directly affect the victim and of such person's scheduled court
181 appearances with respect to the case.

182 (g) Any person who enters the program shall agree: (1) To the tolling
183 of the statute of limitations with respect to such crime or violation; (2)
184 to a waiver of such person's right to a speedy trial; and (3) to any
185 conditions that may be established by the division concerning
186 participation in the supervised diversionary program including
187 conditions concerning participation in meetings or sessions of the
188 program.

189 (h) If the Court Support Services Division informs the court that such
190 person is ineligible for the program and the court makes a determination
191 of ineligibility or if the division certifies to the court that such person
192 did not successfully complete the assigned program, the court shall
193 order the court file to be unsealed, enter a plea of not guilty for such
194 person and immediately place the case on the trial list.

195 (i) If such person satisfactorily completes the assigned program, such
196 person may apply for dismissal of the charges against such person and
197 the court, on reviewing the record of such person's participation in such
198 program submitted by the Court Support Services Division and on
199 finding such satisfactory completion, shall dismiss the charges. If such
200 person does not apply for dismissal of the charges against such person
201 after satisfactorily completing the assigned program, the court, upon
202 receipt of the record of such person's participation in such program
203 submitted by the Court Support Services Division, may on its own
204 motion make a finding of such satisfactory completion and dismiss the
205 charges. Except as provided in subsection (j) of this section, upon
206 dismissal, all records of such charges shall be erased pursuant to section
207 54-142a. An order of the court denying a motion to dismiss the charges
208 against a person who has completed such person's period of probation
209 or supervision or terminating the participation of a person in such
210 program shall be a final judgment for purposes of appeal.

211 (j) The Court Support Services Division shall develop and maintain a
212 database of information concerning persons admitted to the supervised
213 diversionary program that shall be available to the state police and
214 organized local police departments for use by sworn police officers

215 when responding to incidents involving such persons. Such information
216 shall include the person's name, date of birth, Social Security number,
217 the violation or violations with which the person was charged, the dates
218 of program participation and whether a deadly weapon or dangerous
219 instrument was involved in the violation or violations for which the
220 program was granted. The division shall enter such information in the
221 database upon such person's entry into the program, update such
222 information as necessary and retain such information for a period of five
223 years after the date of such person's entry into the program.

224 (k) The Court Support Services Division, [in consultation] may
225 consult with the Department of Mental Health and Addiction Services,
226 [shall] the Department of Veterans Affairs or the United States
227 Department of Veterans Affairs and the Department of Developmental
228 Services to develop standards and oversee appropriate treatment
229 programs to meet the requirements of this section and may contract
230 with service providers to provide such programs.

231 (l) The Court Support Services Division shall retain the police report
232 provided to it by the prosecuting attorney and the record of supervision
233 including the dates of supervision and shall provide such information
234 to the court, prosecuting attorney and defense counsel whenever a court
235 is considering whether to grant an application by such person for
236 participation in the supervised diversionary program for a second time.

237 Sec. 4. Section 14-227b of the general statutes is repealed and the
238 following is substituted in lieu thereof (*Effective October 1, 2024*):

239 (a) Any person who operates a motor vehicle in this state shall be
240 deemed to have given such person's consent to: (1) A chemical test of
241 such person's blood, breath or urine; and (2) a nontestimonial portion of
242 a drug influence evaluation conducted by a drug recognition expert. If
243 such person is a minor, such person's parent or parents or guardian shall
244 also be deemed to have given their consent for such test or evaluation.
245 As used in this section, "motor vehicle" includes a snowmobile and all-
246 terrain vehicle, as such terms are defined in section 14-379.

247 (b) (1) A police officer who has placed a person under arrest for a
248 violation of section 14-227a, 14-227m or subdivision (1) or (2) of
249 subsection (a) of section 14-227n may request that such person submit
250 to a blood, breath or urine test at the option of the police officer, a drug
251 influence evaluation conducted by a drug recognition expert, or both,
252 after such person has been (A) apprised of such person's constitutional
253 rights; (B) afforded a reasonable opportunity to telephone an attorney
254 prior to the performance of such test or evaluation; (C) informed that
255 evidence of any refusal to submit to such test or evaluation shall be
256 admissible in accordance with subsection (e) of section 14-227a and may
257 be used against such person in any criminal prosecution, except that
258 refusal to submit to the testimonial portions of a drug influence
259 evaluation shall not be considered evidence of refusal of such evaluation
260 for purposes of any criminal prosecution; and (D) informed that such
261 person's license or operating privilege may be suspended in accordance
262 with the provisions of this section if (i) such person refuses to submit to
263 such test or the nontestimonial portion of a drug influence evaluation,
264 (ii) such person submits to such test and the results of such test indicate
265 that such person has an elevated blood alcohol content, or (iii) the officer
266 concludes, through investigation, that such person was operating a
267 motor vehicle under the influence of intoxicating liquor or any drug, or
268 both.

269 (2) If the person refuses to submit to any test or drug influence
270 evaluation, the test or evaluation shall not be given, except if the person
271 refuses or is unable to submit to a blood test, the police officer shall
272 designate another test to be taken. If a person submits to a breath test
273 and the police officer, for reasonable cause, requests an additional
274 chemical test of a different type to detect the presence of a drug or drugs
275 other than or in addition to alcohol, the officer may administer such test,
276 except that if such person refuses or is unable to submit to a blood test,
277 the officer shall designate a urine test to be taken. The police officer shall
278 make a notation upon the records of the law enforcement unit, as
279 defined in section 7-294a, that such officer informed the person that such
280 person's license or operating privilege may be suspended if (A) such
281 person refused to submit to such test or nontestimonial portion of a drug

282 influence evaluation; (B) such person submitted to such test and the
283 results of such test indicated that such person had an elevated blood
284 alcohol content; or (C) the officer concludes, through investigation, that
285 such person was operating a motor vehicle under the influence of
286 intoxicating liquor or any drug, or both.

287 (c) If the person arrested refuses to submit to such test or
288 nontestimonial portion of a drug influence evaluation or submits to such
289 test, commenced within two hours of the time of operation, and the
290 results of such test indicate that such person has an elevated blood
291 alcohol content, the police officer, acting on behalf of the Commissioner
292 of Motor Vehicles, shall immediately revoke and take possession of the
293 motor vehicle operator's license or, if such person is not licensed or is a
294 nonresident, suspend the operating privilege of such person, for a
295 twenty-four-hour period. The police officer shall prepare a report of the
296 incident and shall mail or otherwise transmit in accordance with this
297 subsection the report and a copy of the results of any chemical test to
298 the Department of Motor Vehicles within three business days. The
299 report shall contain such information as prescribed by the
300 Commissioner of Motor Vehicles and shall be subscribed and sworn to
301 under penalty of false statement as provided in section 53a-157b by the
302 arresting officer. If the person arrested refused to submit to such test or
303 evaluation, the report shall be endorsed by a third person who
304 witnessed such refusal. The report shall set forth the grounds for the
305 officer's belief that there was probable cause to arrest such person for a
306 violation of section 14-227a or 14-227m or subdivision (1) or (2) of
307 subsection (a) of section 14-227n and shall state that such person had
308 refused to submit to such test or evaluation when requested by such
309 police officer to do so or that such person submitted to such test,
310 commenced within two hours of the time of operation, and the results
311 of such test indicated that such person had an elevated blood alcohol
312 content. A drug influence evaluation need not be commenced within
313 two hours of the time of operation. The Commissioner of Motor Vehicles
314 may accept a police report under this subsection that is prepared and
315 transmitted as an electronic record, including electronic signature or
316 signatures, subject to such security procedures as the commissioner may

317 specify and in accordance with the provisions of sections 1-266 to 1-286,
318 inclusive. In any hearing conducted pursuant to the provisions of
319 subsection (g) of this section, it shall not be a ground for objection to the
320 admissibility of a police report that it is an electronic record prepared by
321 electronic means.

322 (d) If a police officer who has placed a person under arrest for a
323 violation of section 14-227a or 14-227m or subdivision (1) or (2) of
324 subsection (a) of section 14-227n does not request that such person
325 submit to a blood, breath or urine test under subsection (b) of this
326 section, or obtains results from a test administered under subsection (b)
327 of this section that indicate that the person does not have an elevated
328 blood alcohol content, such officer shall:

329 (1) Advise such person that such person's license or operating
330 privilege may be suspended in accordance with the provisions of this
331 section if such police officer concludes, through investigation, that such
332 person was operating a motor vehicle under the influence of
333 intoxicating liquor or any drug, or both; and

334 (2) Submit a report to the commissioner in accordance with the
335 procedure set forth in subsection (c) of this section and, if such report
336 contains the results of a blood, breath or urine test that does not show
337 an elevated blood alcohol content, such report shall conform to the
338 requirements in subsection (c) of this section for reports that contain
339 results showing an elevated blood alcohol content. In any report
340 submitted under this subdivision, the officer shall document (A) the
341 basis for the officer's belief that there was probable cause to arrest such
342 person for a violation of section 14-227a or 14-227m or subdivision (1)
343 or (2) of subsection (a) of section 14-227n, and (B) whether the officer
344 concluded, through investigation, that the person was operating a
345 motor vehicle under the influence of intoxicating liquor or any drug, or
346 both. With such report, the officer may submit other supporting
347 documentation indicating the person's intoxication by liquor or any
348 drug, or both. If the officer concludes, through investigation, that the
349 person was operating a motor vehicle under the influence of

350 intoxicating liquor or any drug, or both, the officer shall immediately
351 revoke and take possession of the motor vehicle operator's license or, if
352 such person is not licensed or is a nonresident, suspend the operating
353 privilege of such person for a twenty-four-hour period.

354 (e) (1) Except as provided in subdivision (2) of this subsection, upon
355 receipt of a report submitted under subsection (c) or (d) of this section,
356 the commissioner may suspend any operator's license or operating
357 privilege of such person effective as of a date certain, which date certain
358 shall be not later than thirty days from the later of the date such person
359 received (A) notice of such person's arrest by the police officer, or (B) the
360 results of a blood or urine test or a drug influence evaluation. Any
361 person whose operator's license or operating privilege has been
362 suspended in accordance with this subdivision shall automatically be
363 entitled to a hearing before the commissioner to be held in accordance
364 with the provisions of chapter 54 and prior to the effective date of the
365 suspension. The commissioner shall send a suspension notice to such
366 person informing such person that such person's operator's license or
367 operating privilege is suspended as of a date certain and that such
368 person is entitled to a hearing prior to the effective date of the
369 suspension and may schedule such hearing by contacting the
370 Department of Motor Vehicles not later than seven days after the date
371 of mailing of such suspension notice.

372 (2) Upon receipt of a report that (A) the person's arrest involved an
373 accident resulting in a fatality, or (B) the person has previously had such
374 person's operator's license or operating privilege suspended under the
375 provisions of section 14-227a, 14-227m or 14-227n during the ten-year
376 period preceding the present arrest, the commissioner may suspend any
377 operator's license or operating privilege of such person effective as of
378 the date specified in a notice of such suspension to such person. A
379 person whose operator's license or operating privilege has been
380 suspended in accordance with this subdivision shall automatically be
381 entitled to a hearing before the commissioner, to be held in accordance
382 with the provisions of chapter 54. The commissioner shall send a
383 suspension notice to such person informing such person that such

384 person's operator's license or operating privilege is suspended as of the
385 date specified in such suspension notice, and that such person is entitled
386 to a hearing and may schedule such hearing by contacting the
387 Department of Motor Vehicles not later than seven days after the date
388 of mailing of such suspension notice. Any suspension issued under this
389 subdivision shall remain in effect until such suspension is affirmed
390 under subsection (f) of this section or such operator's license or
391 operating privilege is reinstated in accordance with subsection (h) of this
392 section.

393 (f) If such person does not contact the department to schedule a
394 hearing, the commissioner shall affirm the suspension contained in the
395 suspension notice for the appropriate period specified in subsection (i)
396 of this section.

397 (g) (1) If such person contacts the department to schedule a hearing,
398 the department shall assign a date, time and place for the hearing, which
399 date shall be prior to the effective date of the suspension, except that,
400 with respect to a person whose operator's license or operating privilege
401 is suspended in accordance with subdivision (2) of subsection (e) of this
402 section, such hearing shall be scheduled not later than thirty days after
403 such person contacts the department. At the request of such person, the
404 hearing officer or the department and upon a showing of good cause,
405 the commissioner may grant one or more continuances.

406 (2) A hearing based on a report submitted under subsection (c) of this
407 section shall be limited to a determination of the following issues: (A)
408 Did the police officer have probable cause to arrest the person for
409 operating a motor vehicle while under the influence of intoxicating
410 liquor or any drug, or both; (B) was such person placed under arrest; (C)
411 did such person (i) refuse to submit to such test or nontestimonial
412 portion of a drug influence evaluation, or (ii) submit to such test,
413 commenced within two hours of the time of operation, and the results
414 of such test indicated that such person had an elevated blood alcohol
415 content; and (D) was such person operating the motor vehicle.

416 (3) A hearing based on a report submitted under subsection (d) of this

417 section shall be limited to a determination of the following issues: (A)
418 Did the police officer have probable cause to arrest the person for
419 operating a motor vehicle while under the influence of intoxicating
420 liquor or any drug, or both; (B) was such person placed under arrest; (C)
421 was such person operating a motor vehicle under the influence of
422 intoxicating liquor or any drug, or both; and (D) was such person
423 operating the motor vehicle.

424 (4) In a hearing under this subsection, the results of the test, if
425 administered, shall be sufficient to indicate the ratio of alcohol in the
426 blood of such person at the time of operation, provided such test was
427 commenced within two hours of the time of operation. The fees of any
428 witness summoned to appear at a hearing under this subsection shall be
429 the same as provided by the general statutes for witnesses in criminal
430 cases. Notwithstanding the provisions of subsection (a) of section 52-
431 143, any subpoena summoning a police officer as a witness shall be
432 served not less than seventy-two hours prior to the designated time of
433 the hearing.

434 (5) In a hearing based on a report submitted under subsection (d) of
435 this section, evidence of operation under the influence of intoxicating
436 liquor or any drug, or both shall be admissible. Such evidence may
437 include, but need not be limited to, (A) the police officer's observations
438 of intoxication, as documented in a report submitted to the
439 commissioner under subsection (d) of this section; (B) the results of any
440 chemical test administered under this section or a toxicology report
441 certified by the Division of Scientific Services within the Department of
442 Emergency Services and Public Protection; (C) hospital or medical
443 records obtained in accordance with subsection (j) of this section or by
444 the consent of the operator; (D) the results of any tests conducted by, or
445 the report of, an officer trained in advanced roadside impaired driving
446 enforcement; or (E) reports of drug recognition experts.

447 (h) If, after a hearing under subdivision (2) of subsection (g) of this
448 section, the commissioner finds in the negative on any one of the issues
449 specified in subparagraph (A), (B), (C) or (D) of said subdivision, the

450 commissioner shall reinstate such license or operating privilege. If, after
451 a hearing under subdivision (3) of subsection (g) of this section, the
452 commissioner finds in the negative on any one of the issues specified in
453 subparagraph (A), (B), (C) or (D) of said subdivision, the commissioner
454 shall reinstate such license or operating privilege. If, after such hearing
455 under subdivision (2) or (3) of subsection (g) of this section, the
456 commissioner does not find on any one of said issues in the negative or
457 if such person fails to appear at such hearing, the commissioner shall
458 affirm the suspension contained in the suspension notice for the
459 appropriate period specified in subsection (i) of this section. The
460 commissioner shall render a decision at the conclusion of such hearing
461 and send a notice of the decision by bulk certified mail or by personal
462 delivery, as defined in section 4-166, to such person. The notice of such
463 decision sent by bulk certified mail or by personal delivery to the
464 address of such person as shown by the records of the commissioner
465 shall be sufficient notice to such person that such person's operator's
466 license or operating privilege is reinstated or suspended, as the case may
467 be. A notice of the decision shall only be transmitted by personal
468 delivery if the operator has consented, in writing, to such personal
469 delivery.

470 (i) (1) The commissioner shall suspend the operator's license or
471 operating privilege of a person who did not contact the department to
472 schedule a hearing, who failed to appear at a hearing, or against whom
473 a decision was issued, after a hearing, pursuant to subsection (h) of this
474 section, as of the effective date contained in the suspension notice, for a
475 period of forty-five days. As a condition for the restoration of such
476 operator's license or operating privilege, such person shall be required
477 to install an ignition interlock device on each motor vehicle owned or
478 operated by such person and, upon such restoration, be prohibited from
479 operating a motor vehicle unless such motor vehicle is equipped with a
480 functioning, approved ignition interlock device, as defined in section 14-
481 227j, for the longer of either (A) the period prescribed in subdivision (2)
482 of this subsection for the present arrest and suspension, or (B) the period
483 prescribed in subdivision (1), (2) or (3) of subsection (g) of section 14-
484 227a or subdivision (1), (2) or (3) of subsection (c) of section 14-227m or

485 subdivision (1) or (2) of subsection (c) of section 14-227n for the present
486 arrest and conviction, if any.

487 (2) (A) A person twenty-one years of age or older at the time of the
488 arrest who submitted to a test and the results of such test indicated that
489 such person had an elevated blood alcohol content, or was found to have
490 been operating a motor vehicle under the influence of intoxicating
491 liquor or any drug, or both based on a report filed pursuant to
492 subsection (d) of this section, shall install and maintain an ignition
493 interlock device for the following periods: (i) For a first suspension
494 under this section, six months; (ii) for a second suspension under this
495 section, one year; and (iii) for a third or subsequent suspension under
496 this section, two years; (B) a person under twenty-one years of age at the
497 time of the arrest who submitted to a test and the results of such test
498 indicated that such person had an elevated blood alcohol content, or was
499 found to have been operating a motor vehicle under the influence of
500 intoxicating liquor or any drug, or both based on a report filed pursuant
501 to subsection (d) of this section, shall install and maintain an ignition
502 interlock device for the following periods: (i) For a first suspension
503 under this section, one year; (ii) for a second suspension under this
504 section, two years; and (iii) for a third or subsequent suspension under
505 this section, three years; and (C) a person, regardless of age, who refused
506 to submit to a test or nontestimonial portion of a drug influence
507 evaluation shall install and maintain an ignition interlock device for the
508 following periods: (i) For a first suspension under this section, one year;
509 (ii) for a second suspension under this section, two years; and (iii) for a
510 third or subsequent suspension, under this section, three years.

511 (3) Notwithstanding the provisions of subdivisions (1) and (2) of this
512 subsection, a person whose motor vehicle operator's license or operating
513 privilege has been permanently revoked upon a third offense pursuant
514 to subsection (g) of section 14-227a or subsection (c) of section 14-227m
515 shall be subject to the penalties prescribed in subdivision (2) of
516 subsection (i) of section 14-111.

517 (j) Notwithstanding the provisions of subsections (b) to (i), inclusive,

518 of this section, any police officer who obtains the results of a test of a
519 blood sample taken from or a urine sample provided by an operator of
520 a motor vehicle who was involved in an accident and suffered or
521 allegedly suffered physical injury in such accident, or who was
522 otherwise deemed by a police officer to require treatment or observation
523 at a hospital, shall notify the commissioner and submit to the
524 commissioner a written report if such results indicate that such person
525 had an elevated blood alcohol content, or any quantity of an intoxicating
526 liquor or any drug, or both, in such person's blood, and if such person
527 was arrested for violation of section 14-227a or 14-227m or subdivision
528 (1) or (2) of subsection (a) of section 14-227n. The report shall be made
529 on a form approved by the commissioner containing such information
530 as the commissioner prescribes, and shall be subscribed and sworn to
531 under penalty of false statement, as provided in section 53a-157b, by the
532 police officer. The commissioner may, after notice and an opportunity
533 for hearing, which shall be conducted by a hearing officer on behalf of
534 the commissioner in accordance with chapter 54, suspend the motor
535 vehicle operator's license or operating privilege of such person for the
536 appropriate period of time specified in subsection (i) of this section and
537 require such person to install and maintain an ignition interlock device
538 for the appropriate period of time prescribed in subsection (i) of this
539 section. Each hearing conducted under this subsection shall be limited
540 to a determination of the following issues: (1) Whether the police officer
541 had probable cause to arrest the person for operating a motor vehicle
542 while under the influence of intoxicating liquor or drug, or both; (2)
543 whether such person was placed under arrest; (3) whether such person
544 was operating the motor vehicle; (4) whether (A) the results of the
545 analysis of the blood or urine of such person indicate that such person
546 had an elevated blood alcohol content, or (B) the person was operating
547 a motor vehicle under the influence of intoxicating liquor or any drug,
548 or both; and (5) in the event that a blood sample was taken, whether the
549 blood sample was obtained in accordance with conditions for
550 admissibility and competence as evidence as set forth in subsection (k)
551 of section 14-227a. If, after such hearing, the commissioner finds on any
552 one of the said issues in the negative, the commissioner shall not impose

553 a suspension. The fees of any witness summoned to appear at the
554 hearing shall be the same as provided by the general statutes for
555 witnesses in criminal cases, as provided in section 52-260.

556 (k) The provisions of this section shall apply with the same effect to
557 the refusal by any person to submit to an additional chemical test as
558 provided in subparagraph (E) of subdivision (1) of subsection (b) of
559 section 14-227a.

560 (l) The provisions of this section shall not apply to any person whose
561 physical condition is such that, according to competent medical advice,
562 such test would be inadvisable.

563 (m) Notwithstanding the provisions of this section, when a person is
564 required, pursuant to this section, to install and maintain an ignition
565 interlock device or is prohibited, pursuant to this section, from
566 operating a motor vehicle except under the condition that such device
567 is installed and maintained on such vehicle, such requirement and
568 condition shall cease to apply to such person upon any of the following
569 conditions being met in the case of an arrest for a violation of section 14-
570 227a, 14-227m or subdivision (1) or (2) of subsection (a) of section 14-
571 227n (1) for which the only intoxicating substance detected is cannabis:
572 (A) All charges resulting from such alleged violation are withdrawn,
573 nolled or dismissed; (B) the person has been acquitted of any charges
574 resulting from such alleged violation; or (C) any conviction of such
575 person based upon any charges resulting from such alleged violation is
576 vacated, overturned or erased, or (2) for which the person was convicted
577 for such violation, alcohol was detected as an intoxicating substance for
578 such violation and such person has received an absolute pardon for each
579 such conviction. Upon the ceasing of the application of such
580 requirement and condition upon such person, the commissioner shall
581 provide written notification to the person indicating that such
582 requirement and condition has ceased to apply to such person. The
583 provisions of this subsection shall not affect any other requirement or
584 condition applied to such person.

585 [(m)] (n) The state shall pay the reasonable charges of any physician

586 who, at the request of a law enforcement unit, as defined in section 7-
587 294a, takes a blood sample for purposes of a test under the provisions of
588 this section.

589 [(n)] (o) For the purposes of this section, "elevated blood alcohol
590 content" means (1) a ratio of alcohol in the blood of such person that is
591 eight-hundredths of one per cent or more of alcohol, by weight, (2) if
592 such person is operating a commercial motor vehicle, a ratio of alcohol
593 in the blood of such person that is four-hundredths of one per cent or
594 more of alcohol, by weight, or (3) if such person is less than twenty-one
595 years of age, a ratio of alcohol in the blood of such person that is two-
596 hundredths of one per cent or more of alcohol, by weight.

597 [(o)] (p) The Commissioner of Motor Vehicles shall adopt regulations,
598 in accordance with chapter 54, to implement the provisions of this
599 section.

600 Sec. 5. (NEW) (*Effective from passage and applicable to any offense*
601 *committed prior to, on or after said date*) Any offense committed by means
602 of communication transmitted by use of an interactive computer service,
603 as defined in section 53a-90a of the general statutes, computer network,
604 as defined in section 53a-250 of the general statutes, telecommunications
605 service, as defined in section 16-247a of the general statutes, cellular
606 system, as used in section 16-50i of the general statutes, electronic
607 communication service, as defined in section 54-260b of the general
608 statutes or electronic communication system, as defined in 18 USC 2510,
609 as amended from time to time, including electronic mail or text message
610 or any other electronically sent message, whether by digital media
611 account, messaging program or application, may be deemed to have
612 been committed either at the place where the communication originated
613 or at the place where it was received.

614 Sec. 6. Section 18-85 of the 2024 supplement to the general statutes is
615 repealed and the following is substituted in lieu thereof (*Effective October*
616 *1, 2024*):

617 (a) The Commissioner of Correction, after consultation with the

618 Commissioner of Administrative Services and the Secretary of the Office
619 of Policy and Management, shall establish a schedule of compensation
620 for services performed on behalf of the state by [inmates of] persons who
621 are incarcerated in any institution or facility of the department. Such
622 schedule shall (1) recognize degrees of merit, diligence and skill in order
623 to encourage inmate incentive and industry, and (2) establish a pay
624 [range] rate of not less than [five dollars per week, but not greater than
625 ten dollars per week] one dollar per day with higher rates of pay based
626 upon skill level or other factors, as determined by the Commissioner of
627 Correction, or the commissioner's designee.

628 (b) Compensation so earned shall be deposited, under the direction
629 of the Commissioner of Correction, in an account in a savings bank or
630 state bank and trust company in this state or an account administered
631 by the State Treasurer. Any compensation so earned shall be paid to the
632 [inmate on the inmate's] incarcerated person upon such person's release
633 from incarceration in the form of a debit card, except that the
634 commissioner may, while [the inmate] such person is in custody,
635 disburse any compensation earned by such [inmate] person in
636 accordance with the following priorities: (1) Federal taxes due; (2)
637 restitution or payment of compensation to a crime victim ordered by
638 any court of competent jurisdiction; (3) payment of a civil judgment
639 rendered in favor of a crime victim by any court of competent
640 jurisdiction; (4) victims compensation through the criminal injuries
641 account administered by the Office of Victim Services; (5) state taxes
642 due; (6) support of the [inmate's] incarcerated person's dependents, if
643 any; (7) the [inmate's] incarcerated person's necessary travel expense to
644 and from work and other incidental expenses; (8) costs of such
645 [inmate's] person's incarceration under section 18-85a and regulations
646 adopted in accordance with said section; and (9) payment to the clerk of
647 the court in which an [inmate] incarcerated person, confined in a
648 correctional facility only for payment of a fine, was convicted, such
649 portion of such compensation as is necessary to pay such fine. Any
650 interest that accrues shall be credited to any institutional fund
651 established for the welfare of [inmates] incarcerated persons.
652 Compensation under this section shall be in addition to any

653 compensation received or credited under section 18-50.

654 Sec. 7. Section 54-53 of the general statutes is repealed and the
655 following is substituted in lieu thereof (*Effective October 1, 2024*):

656 Each person detained in a community correctional center pursuant to
657 the issuance of a bench warrant of arrest or for arraignment, sentencing
658 or trial for an offense not punishable by death shall be entitled to bail
659 and shall be released from such institution upon entering into a
660 recognizance, with sufficient surety, or upon posting cash bail, in an
661 amount rounded down to the nearest dollar, as provided in section 54-
662 66, for the detained person's appearance before the court having
663 cognizance of the offense, to be taken by any person designated by the
664 Commissioner of Correction at the institution where the person is
665 detained. The person so designated shall deliver the recognizance or
666 cash bail to the clerk of the appropriate court before the opening of the
667 court on the first court day thereafter. When cash bail in excess of ten
668 thousand dollars is received for a detained person accused of a felony,
669 where the underlying facts and circumstances of the felony involve the
670 use, attempted use or threatened use of physical force against another
671 person, the person so designated shall prepare a report that contains (1)
672 the name, address and taxpayer identification number of the detained
673 person, (2) the name, address and taxpayer identification number of
674 each person offering the cash bail, other than a person licensed as a
675 professional bondsman under chapter 533 or a surety bail bond agent
676 under chapter 700f, (3) the amount of cash received, and (4) the date the
677 cash was received. Not later than fifteen days after receipt of such cash
678 bail, the person so designated shall file the report with the Department
679 of Revenue Services and mail a copy of the report to the state's attorney
680 for the judicial district in which the alleged offense was committed and
681 to each person offering the cash bail.

682 Sec. 8. Subsection (i) of section 54-56d of the general statutes is
683 repealed and the following is substituted in lieu thereof (*Effective October*
684 *1, 2024*):

685 (i) (1) The placement of the defendant for treatment for the purpose

686 of rendering the defendant competent shall comply with the following
687 conditions: [(1)] (A) The period of placement under the order or
688 combination of orders shall not exceed the period of the maximum
689 sentence which the defendant could receive on conviction of the charges
690 against the defendant or eighteen months, whichever is less; [(2)] (B) the
691 placement shall be either [(A)] (i) in the custody of the Commissioner of
692 Mental Health and Addiction Services, the Commissioner of Children
693 and Families or the Commissioner of Developmental Services, except
694 that any defendant placed for treatment with the Commissioner of
695 Mental Health and Addiction Services may remain in the custody of the
696 Department of Correction pursuant to subsection (p) of this section; or,
697 [(B)] (ii) if the defendant or the appropriate commissioner agrees to
698 provide payment, in the custody of any appropriate mental health
699 facility or treatment program which agrees to provide treatment to the
700 defendant and to adhere to the requirements of this section; and [(3)] (C)
701 the court shall order the placement, on either an inpatient or an
702 outpatient basis, which the court finds is the least restrictive placement
703 appropriate and available to restore competency.

704 (2) In determining the least restrictive placement appropriate and
705 available to restore competency, the court shall consider the following
706 factors: (A) The nature and circumstances of the alleged crime; (B) such
707 defendant's record of criminal convictions; (C) such defendant's record
708 of appearance in court; (D) such defendant's family and community ties;
709 (E) such defendant's willingness and ability to engage with treatment
710 ordered under this section; (F) whether such defendant's use of
711 substances would interfere with such defendant's ability to be successful
712 in such placement; (G) any psychiatric symptoms experienced by such
713 defendant and the nature and severity of the symptoms; and (H) any
714 other relevant factors specific to the defendant and such defendant's
715 circumstances.

716 (3) If the defendant is not charged with a felony, the court shall
717 presume that outpatient treatment is the least restrictive placement
718 appropriate and available to restore competency, unless the court has
719 good cause to find otherwise based on review of the factors in

720 subdivision (2) of this subsection. If outpatient treatment is the least
721 restrictive placement for a defendant who has not yet been released
722 from a correctional facility, the court shall consider whether the
723 availability of such treatment is a sufficient basis on which to release the
724 defendant on a promise to appear, conditions of release, cash bail or
725 bond. If the court determines that the defendant may not be so released,
726 the court shall order treatment of the defendant on an inpatient basis at
727 a mental health facility or facility for persons with intellectual disability.
728 Not later than twenty-four hours after the court orders placement of the
729 defendant for treatment for the purpose of rendering the defendant
730 competent, the examiners shall transmit information obtained about the
731 defendant during the course of an examination pursuant to subsection
732 (d) of this section to the health care provider named in the court's order.

733 Sec. 9. Subsection (c) of section 51-49i of the general statutes is
734 repealed and the following is substituted in lieu thereof (*Effective July 1,*
735 *2024*):

736 (c) Each judge shall receive annually, as retirement salary, two-thirds
737 of such judge's salary as defined in section 51-49f, each family support
738 magistrate shall receive annually, as retirement salary, two-thirds of
739 such family support magistrate's salary as defined in section 46b-233a,
740 and each administrative law judge shall receive annually, as retirement
741 salary, two-thirds of such administrative law judge's salary as defined
742 in section 51-49g. [~~except that, if~~ If a judge, a family support magistrate
743 or an administrative law judge has served fewer than ten years at the
744 time of [his or her] such judge's, family support magistrate's or
745 administrative law judge's retirement [under this section, his or her] and
746 has attained the age of seventy while serving in such judge's, family
747 support magistrate's or administrative law judge's respective office,
748 such judge's, family support magistrate's or administrative law judge's
749 retirement salary shall be reduced [in the ratio that the number of years
750 of his or her completed service bears to the number of years of service
751 that would have been completed at seventy years of age or ten years,
752 whichever is less] in the same manner as provided in subdivision (2) of
753 subsection (b) of section 51-50.

754 Sec. 10. Subsection (a) of section 53a-40e of the general statutes is
 755 repealed and the following is substituted in lieu thereof (*Effective October*
 756 *1, 2024*):

757 (a) If any person is convicted of, or found not guilty by reason of
 758 mental disease or defect of, (1) a violation of section 53a-70b of the
 759 general statutes, revision of 1958, revised to January 1, 2019, or
 760 subdivision (1) or (2) of subsection (a) of section 53-21, section 53a-59,
 761 53a-59a, 53a-60, 53a-60a, 53a-60b, 53a-60c, 53a-70, 53a-70a, 53a-70c, 53a-
 762 71, 53a-72a, 53a-72b, 53a-73a, 53a-181c, 53a-181d, 53a-181e, 53a-182b or
 763 53a-183, subdivision (2) of subsection (a) of section 53a-192a, section 53a-
 764 223, 53a-223a or 53a-223b or attempt or conspiracy to violate any of said
 765 sections or section 53a-54a, or (2) any crime that the court determines
 766 constitutes a family violence crime, as defined in section 46b-38a, or
 767 attempt or conspiracy to commit any such crime, the court may, in
 768 addition to imposing the sentence authorized for the crime under
 769 section 53a-35a or 53a-36, if the court is of the opinion that the history
 770 and character and the nature and circumstances of the criminal conduct
 771 of such offender indicate that a standing criminal protective order will
 772 best serve the interest of the victim and the public, issue a standing
 773 criminal protective order which shall remain in effect for a duration
 774 specified by the court until modified or revoked by the court for good
 775 cause shown. If any person is convicted of, or found not guilty by reason
 776 of mental disease or defect of, any crime not specified in subdivision (1)
 777 or (2) of this subsection, the court may, for good cause shown, issue a
 778 standing criminal protective order pursuant to this subsection.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2024</i>	51-247
Sec. 2	<i>October 1, 2024</i>	29-38c(c)
Sec. 3	<i>October 1, 2024</i>	54-56l
Sec. 4	<i>October 1, 2024</i>	14-227b
Sec. 5	<i>from passage and applicable to any offense committed prior to, on or after said date</i>	New section

Sec. 6	<i>October 1, 2024</i>	18-85
Sec. 7	<i>October 1, 2024</i>	54-53
Sec. 8	<i>October 1, 2024</i>	54-56d(i)
Sec. 9	<i>July 1, 2024</i>	51-49i(c)
Sec. 10	<i>October 1, 2024</i>	53a-40e(a)

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.	GF - Cost	1,300,000 - 2,250,000	2,000,000 - 3,000,000
Department of Developmental Services; Social Services, Dept.; Mental Health & Addiction Serv., Dept.	GF - Cost	See Below	See Below
State Comptroller - Fringe Benefits ¹	GF - Cost	See Below	See Below

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill makes various technical and conforming changes to court-related matters as well as significant changes including juror compensation and diversionary services for individuals with intellectual disabilities charged with crimes. The bill results in an estimated cost of \$1,300,000 - \$2,250,000 in FY 25 and \$2,000,000 - \$3,000,000 in FY 26 to the Judicial Department and results in a cost to the Department of Developmental Services (DDS), the Department of Social Services (DSS), and the Department of Mental Health and Addiction Services (DMHAS) as described below.

Section 1 results in a cost of \$1,300,000 - \$2,250,000 in FY 25 and \$2 million - \$3 million annually thereafter to the Judicial Department for

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 41.25% of payroll in FY 25.

juror compensation and increased reimbursement rates for certain jury-service related expenses. The estimate in FY 25 is adjusted to reflect a partial year implementation due to the effective date of the bill.

The bill sets juror compensation to minimum wage for an eight-hour workday and allows unemployed and part-time employed individuals to be compensated for jury duty.² The bill also provides the same rate for individuals who are not compensated by their employer after the fifth day of jury service. It is anticipated that this will result in an annual cost of \$1.5 million to \$2.5 million for juror compensation.³

The bill also makes changes to expenses that jurors may be reimbursed for including: requiring expenses to be reimbursed for the first five days of service in most circumstances, raising the mileage rate from \$0.20/mile to the rate that is set by the federal government,⁴ requiring reimbursable expenses to be capped at the minimum wage for an eight-hour workday, and requires reimbursement for family-care expenses at a rate set by the Judicial Department.⁵ These changes are expected to result in an annual cost of up to \$500,000.

Section 2 codifies the current practice of appointing counsel in certain circumstances for in-court proceedings related to risk warrants and is not anticipated to result in a fiscal impact.

Section 3 results in a cost to the state associated with expanding a pretrial diversion program to include individuals with intellectual disabilities or autism spectrum disorder (ASD).

The bill requires the Departments of Developmental Services (DDS), Social Services (DSS) or Mental Health and Addiction Services (DMHAS) to assist CSSD with assessing individuals and identifying appropriate treatment and services. Under the current diversionary

²The current minimum wage is \$15.69.

³In Court Year 2023, less than 40,000 jurors were called for service. 95% of jurors complete their service in one day.

⁴The current federal mileage rate is \$0.67/mile.

⁵The current family care rate is set at \$40.46.

program, CSSD determines eligibility, conducts assessments and identifies appropriate services. While the responsible agency under the bill is unclear, DDS, DSS and DMHAS may incur (1) administrative costs of approximately \$84,200 (with associated fringe of approximately \$34,700) for staff to perform assessments, identify services and establish treatment plans, and (2) programmatic costs to support treatment for such individuals to the extent that is required. For context, the DMHAS jail diversion program, which does not support the population required under the bill, costs approximately \$5.3 million annually. This supports approximately 40 staff and the evaluation of 2,650 clients (1,200 of whom were diverted from incarceration). For services provided under DDS, a residential program is anticipated to cost approximately \$530,000 per bed.

The extent of the actual cost depends on (1) the number of individuals with intellectual disabilities or ADS eligible for diversion, (2) the agency responsible for assessments and related requirements, and (3) the extent to which new diversionary programs are required to support this population.

Section 6 makes technical changes regarding inmate compensation resulting in no fiscal impact to the state.

Section 9 makes conforming changes to the retirement salary statutes for judges, family support magistrates, and administrative law judges and does not result in a fiscal impact.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to the actual number of jurors, future minimum wage rates, federal mileage rate, the number of applicable assessments, and required treatment services.

OLR Bill Analysis**sHB 5500****AN ACT CONCERNING REVISIONS TO VARIOUS LAWS CONCERNING JUROR COMPENSATION, IGNITION INTERLOCK DEVICES, THE DEPARTMENT OF CORRECTION, JUDICIAL RETIREMENT SALARIES AND CRIMINAL LAW AND CRIMINAL PROCEDURE.**

TABLE OF CONTENTS:

[SUMMARY](#)[§ 1 — JUROR COMPENSATION](#)

Requires the state to pay part-time or unemployed jurors for the first five days of jury duty, instead of only starting on day six as under current law; starting on day six of jury duty, limits the required state payment to only those jurors who are not otherwise paid by their employer, but increases the payment amount; expands the duration and amount of state reimbursement for necessary expenses that the state pays to certain jurors

[§ 2 — APPOINTED COUNSEL RELATED TO FIREARM RISK PROTECTION ORDERS OR RISK WARRANTS](#)

Requires an attorney to be appointed for certain people relating to in-court proceedings for firearm risk protection orders or risk warrants

[§ 3 — DIVERSIONARY PROGRAM FOR PEOPLE WITH INTELLECTUAL DISABILITY OR AUTISM SPECTRUM DISORDER](#)

Extends to people with intellectual disability or autism spectrum disorder an existing pretrial diversionary program for people with psychiatric disabilities or veterans with certain mental health conditions

[§ 4 — IGNITION INTERLOCK DEVICES](#)

Sets conditions under which ignition interlock requirements end earlier than usual following administrative per se license suspensions, such as if the person was arrested for DUI due to cannabis use and the charges are withdrawn or dismissed

[§ 5 — LOCATION OF ONLINE AND CELLULAR CRIMES](#)

Specifies that offenses committed by communications through computer networks, cell phones, or similar means can be considered to have been committed either where the communication was sent or received

§ 6 — COMPENSATION OF INCARCERATED INDIVIDUALS

Explicitly allows DOC, when setting pay rates for incarcerated individuals performing services on the state's behalf, to give higher rates than the minimum based on skill or other factors, and eliminates the \$10 weekly limit on this pay

§ 7 — ROUNDING OF CASH BAIL

Requires cash bail amounts to be rounded down to the nearest dollar

§ 8 — FACTORS TO RESTORE COMPETENCY

Sets the factors that a court must consider when determining the least restrictive placement for a person to restore their competency for trial; generally requires the court, in misdemeanor cases, to presume that outpatient treatment is the appropriate placement

§ 9 — JUDICIAL PENSIONS

Makes a technical change to a law on the judges' retirement system

§ 10 — STANDING CRIMINAL PROTECTIVE ORDERS

Extends the law on standing criminal protective orders to defendants found not guilty due to mental disease or defect

SUMMARY

This bill makes various unrelated changes in court-related matters as described in the section-by-section analysis below.

EFFECTIVE DATE: October 1, 2024, except as otherwise noted below.

§ 1 — JUROR COMPENSATION

Requires the state to pay part-time or unemployed jurors for the first five days of jury duty, instead of only starting on day six as under current law; starting on day six of jury duty, limits the required state payment to only those jurors who are not otherwise paid by their employer, but increases the payment amount; expands the duration and amount of state reimbursement for necessary expenses that the state pays to certain jurors

Payment for First Five Days of Jury Duty

The bill requires the state to pay a flat fee, equal to the minimum wage for an eight-hour day, to part-time employed or unemployed jurors for

the first five days of jury service, if they have no other source of compensation for those days. The current minimum wage is \$15.69 per hour (adjusted each January 1 for inflation), or \$125.52 for an eight-hour day. By law, a “part-time employed juror” is someone who works at a position normally requiring less than 30 hours per week or who works on a temporary or casual basis (but someone is considered full-time if working for more than 90 days through a temping agency for enough hours).

Under existing law, employers generally must pay regular wages to full-time employees for the first five days of jury service. This does not apply if the employee would not have (1) received regular wages for that particular day or (2) worked more than one-half of a shift that extends into another day.

Payment Starting on Sixth Day

Under current law, starting on the sixth day of service, the state pays jurors \$50 per day. The bill (1) limits these payments to jurors who are not paid by their employers after the fifth day but (2) increases the amount to a flat fee equal to the minimum wage based on an eight-hour day (currently, \$125.52 per day).

Reimbursement for Juror Expenses

Current law requires the state to pay between \$20 and \$50 a day for necessary expenses during the first five days of jury service for a juror who is (1) full-time employed but not paid by his employer for a particular day of jury service (see above), (2) part-time employed, or (3) unemployed. Necessary expenses must at least include travel reimbursement, at 20 cents per mile, but excludes food.

The bill makes the following changes to this reimbursement:

1. requires it to continue throughout the duration of a person’s jury service, removing the current five-day limit (it appears that for unemployed or part-time employed jurors, this only applies to family care and travel expenses (see below));

2. increases the maximum per-day reimbursement from \$50 to the minimum wage based on an eight-hour day;
3. conforms to existing practice by specifically requiring reimbursement for family care expenses, at a rate established by the jury administrator's guidelines; and
4. increases the travel reimbursement rate from 20 cents per mile to the rate for privately owned vehicles set by the federal General Services Administration (67 cents per mile for 2024).

§ 2 — APPOINTED COUNSEL RELATED TO FIREARM RISK PROTECTION ORDERS OR RISK WARRANTS

Requires an attorney to be appointed for certain people relating to in-court proceedings for firearm risk protection orders or risk warrants

Existing law allows the police or a prosecutor, under limited circumstances, to apply to court for a risk protection order prohibiting an adult at imminent risk of injuring themselves or someone else from obtaining or possessing firearms, other deadly weapons, or ammunition. The court may also issue a risk warrant for the police to seize these items if the person has them.

The bill requires an attorney to be appointed for the person, for purposes of in-court proceedings relating to these orders or risk warrants, if the person (1) cannot afford an attorney, (2) is represented by a public defender or assigned counsel in a pending criminal case, and (3) is eligible for counsel under the public defender laws.

By law, there is a separate risk warrant process for minors, and counsel must be appointed on the child's behalf for the juvenile court proceedings if the child and his or her parent or guardian (1) cannot afford counsel and (2) are eligible for counsel under the public defender laws.

§ 3 — DIVERSIONARY PROGRAM FOR PEOPLE WITH INTELLECTUAL DISABILITY OR AUTISM SPECTRUM DISORDER

Extends to people with intellectual disability or autism spectrum disorder an existing pretrial diversionary program for people with psychiatric disabilities or veterans with certain mental health conditions

Under existing law, there is a pretrial diversionary program for people with psychiatric disabilities, or veterans with mental health conditions amenable to treatment. The bill extends eligibility for this program to people with intellectual disability or autism spectrum disorder (ASD). This program is for people charged with crimes, or motor vehicle violations that could include prison time, that are not serious.

Under this program, similar to certain other pretrial diversionary programs, defendants may avoid prosecution and incarceration by successfully completing court-sanctioned community-based treatment programs before trial. Participants must waive their right to a speedy trial and agree to a pause of the statute of limitations. A defendant who does not complete or is ineligible for the program is brought to trial.

The bill generally extends the program's existing procedures and requirements to people with intellectual disabilities or ASD. For example:

1. a person may participate in the program only twice;
2. the program is not open to people who are ineligible for the pretrial accelerated rehabilitation program, except in some cases if that ineligibility is based on the person being eligible for the pretrial family violence education program;
3. when the person applies to participate, the court must seal the court file to the public under specified conditions, but the victim must be notified about the person's application;
4. the Court Support Services Division (CSSD) must confirm the person's eligibility and develop a treatment plan (see below); and

5. if the person completes the program and charges are dismissed, the records of the charges are erased, except that CSSD must keep a database with participant information (for five years) to share with the police when responding to incidents involving them.

For participants under the bill, along with determining their eligibility, CSSD must assess the person's intellectual disability or ASD (instead of mental health condition as under existing law). For these participants, the departments of Developmental Services (DDS), Social Services, or Mental Health and Addiction Services (DMHAS) must help CSSD make this assessment and identify appropriate treatment and services.

The bill makes a conforming change to the required training for probation officers supervising participants. It requires them to have specialized training in working with people with intellectual disabilities and ASD, in addition to people with psychiatric disabilities as under existing law.

The bill consolidates certain related provisions on CSSD consulting with DMHAS, the state Department of Veterans Affairs, or the U.S. Department of Veterans Affairs, and also allows CSSD to consult with DDS. Specifically, it may do so in developing standards and overseeing appropriate treatment programs to meet the program's requirements under law.

§ 4 — IGNITION INTERLOCK DEVICES

Sets conditions under which ignition interlock requirements end earlier than usual following administrative per se license suspensions, such as if the person was arrested for DUI due to cannabis use and the charges are withdrawn or dismissed

By law, someone arrested for driving under the influence (DUI) is subject to administrative licensing sanctions and other penalties through the Department of Motor Vehicles (DMV), in addition to criminal prosecution. This is referred to as an "administrative per se" suspension.

Under this law, drivers must operate only ignition interlock device

(IID)-equipped vehicles for a period ranging from six months to three years after the suspension ends, depending on certain factors (e.g., their age or the nature of the per se offense) (see *Background – Administrative Per Se Suspension and Related IID Penalties*). A driver must drive IID-equipped vehicles for the longer of the time periods under this law or the criminal DUI statutes if the person is convicted.

The bill sets conditions under which the required IID usage ends earlier than what is otherwise required by law. First, if the person was arrested for DUI and if cannabis was the only detected intoxicating substance, the required IID usage ends when (1) the person is acquitted or all charges are withdrawn, nolle, or dismissed, or (2) the person's conviction is vacated, overturned, or erased. Second, if the person was convicted for DUI and alcohol was one of the intoxicating substances, the required IID usage ends if the person received an absolute pardon. In either case, the DMV commissioner must notify the person in writing when the IID requirements have ended.

The bill specifies that these provisions do not affect any other requirements or conditions that apply to the person.

Background — Administrative Per Se Suspension and Related IID Penalties

By law, administrative per se suspensions in DUI arrests occur when (1) a driver refuses a blood, breath, or urine test or the nontestimonial portion of a drug influence evaluation, or submits to a test and the results indicate an elevated blood alcohol content, or (2) the officer, through an investigation, concludes that the person was driving under the influence of alcohol, a drug, or both.

Existing law requires drivers arrested for DUI to operate only IID-equipped vehicles for a specified period depending on their age, the nature of the offense, and whether it was a first or subsequent suspension as described in the table below.

Table: IID Penalties for Per Se Offenses

Per Se Offense	IID Requirement (After 45-Day License Suspension)		
	First Suspension	Second Suspension	Third or Subsequent Suspension
Age 21 or older: elevated BAC or found to have been driving under the influence of alcohol, drugs, or both	Six months	One year	Two years
Under Age 21: elevated BAC or found to have been driving under the influence of alcohol, drugs, or both	One year	Two years	Three years
Refusal to submit to a test or the nontestimonial portion of drug influence evaluation, regardless of age	One year	Two years	Three years

§ 5 — LOCATION OF ONLINE AND CELLULAR CRIMES

Specifies that offenses committed by communications through computer networks, cell phones, or similar means can be considered to have been committed either where the communication was sent or received

The bill specifies that offenses committed through communication using various forms of technology may be considered to have been committed either at the place where the communication originated or was received.

Specifically, the bill applies to communications sent through an interactive computer service, computer network, telecommunications service, cellular system, or electronic communication service or system (as defined under specified laws), including email or text messages or any other electronic messages, whether by digital media accounts, messaging programs, or applications.

EFFECTIVE DATE: Upon passage and applicable to offenses committed before, on, or after that date.

§ 6 — COMPENSATION OF INCARCERATED INDIVIDUALS

Explicitly allows DOC, when setting pay rates for incarcerated individuals performing services on the state's behalf, to give higher rates than the minimum based on skill or other factors, and eliminates the \$10 weekly limit on this pay

By law, the Department of Correction (DOC) commissioner, after consulting with the administrative services commissioner and the Office of Policy and Management secretary, must set the compensation schedule for incarcerated individuals for services they perform on the state's behalf at DOC facilities. The schedule must recognize degrees of merit, diligence, and skill, to encourage these individuals' incentive and industry.

PA 23-204, § 153, requires a pay range of between \$5 and \$10 per week. The bill instead sets a rate of \$1 per day, with higher pay rates based on skill level or other factors as the DOC commissioner or his designee determines.

The bill also makes technical changes.

§ 7 — ROUNDING OF CASH BAIL

Requires cash bail amounts to be rounded down to the nearest dollar

By law, anyone detained in a community correctional center under a bench warrant or for arraignment, sentencing, or trial must be released upon posting a bond or cash bail. The bill requires the bail amount to be rounded down to the nearest dollar.

§ 8 — FACTORS TO RESTORE COMPETENCY

Sets the factors that a court must consider when determining the least restrictive placement for a person to restore their competency for trial; generally requires the court, in misdemeanor cases, to presume that outpatient treatment is the appropriate placement

By law, a defendant in a criminal trial cannot be tried, convicted, or sentenced while he or she is not competent (i.e., able to understand the proceedings and assist in his or her own defense). Generally, if the court finds that there is a substantial probability that the defendant will regain competency after a course of treatment, it must order the defendant to be placed (1) for that treatment (in the custody of DMHAS or certain other agencies, including remaining in DOC custody in some cases) to become competent or (2) in DMHAS custody at a treatment facility

pending civil commitment proceedings.

The bill requires the court, in determining the least restrictive placement appropriate and available to restore competency, to consider the following:

1. the nature and circumstances of the alleged crime;
2. the defendant's record of criminal convictions and appearing in court;
3. the defendant's family and community ties;
4. the defendant's willingness and ability to engage with the treatment, and whether his or her substance use would interfere with the ability to succeed in the placement;
5. any of the defendant's psychiatric symptoms, including their nature and severity; and
6. any other relevant factors specific to the defendant and his or her circumstances.

Under the bill, if the defendant is not charged with a felony, the court must presume that outpatient treatment is the least restrictive placement appropriate and available to restore competency. But this does not apply if the court has good cause to find otherwise based on the above factors.

§ 9 — JUDICIAL PENSIONS

Makes a technical change to a law on the judges' retirement system

By law, there is a retirement system for judges, family support magistrates, and workers' compensation administrative law judges, separate from the State Employees Retirement System.

The bill makes a technical change to clarify that these officials must have 10 years of service to be entitled to a pension with benefits, except for those officials who retire at age 70 due to mandatory retirement or retire early due to disability. By law, if these officials retire under one of these exceptions before serving for 10 years, their retirement benefit is reduced by 10% for each year they served less than that.

EFFECTIVE DATE: July 1, 2024

§ 10 — STANDING CRIMINAL PROTECTIVE ORDERS

Extends the law on standing criminal protective orders to defendants found not guilty due to mental disease or defect

The bill allows courts to issue, on a victim’s behalf, a standing criminal protective order for someone found not guilty of a crime due to mental disease or defect, under the same standards and requirements that apply following a criminal conviction.

Under existing law, a court may issue a standing criminal protective order if the defendant is convicted of certain crimes (e.g., sexual assault or family violence crimes) if the court determines that the offender’s criminal conduct indicates that the order will best serve the interest of the victim and the public. For other crimes, a judge may issue a standing criminal protective order for good cause shown. The order remains in place for the period the court sets, unless the court modifies or revokes it for good cause.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute

Yea 36 Nay 0 (03/28/2024)