



House of Representatives

File No. 635

General Assembly

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(Reprint of File No. 543)

Substitute House Bill No. 5500
As Amended by House Amendment
Schedule "A"

Approved by the Legislative Commissioner
May 1, 2024

**AN ACT CONCERNING REVISIONS TO VARIOUS LAWS
CONCERNING 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. Subsection (c) of section 29-38c of the 2024 supplement to
2 the general statutes is repealed and the following is substituted in lieu
3 thereof (*Effective October 1, 2024*):

4 (c) A risk protection order issued under subsection (a) of this section,
5 may issue only on an affidavit sworn to by the complainant establishing
6 the grounds for issuing the order. A risk warrant issued under
7 subsection (a) of this section may issue only on an affidavit sworn to by
8 the complainant before the judge establishing the grounds for issuing
9 the warrant. Any such affidavit shall be part of the court file. In
10 determining whether there is probable cause for a risk protection order
11 and warrant, if applicable, under subsection (a) of this section, the judge

12 shall consider: (1) Recent threats or acts of violence by such person
13 directed toward other persons; (2) recent threats or acts of violence by
14 such person directed toward such person's self; and (3) recent acts of
15 cruelty to animals as provided in subsection (b) of section 53-247 by such
16 person. In evaluating whether such recent threats or acts of violence
17 constitute probable cause to believe that such person poses a risk of
18 imminent personal injury to such person's self or to others, the judge
19 may consider other factors including, but not limited to (A) the reckless
20 use, display or brandishing of a firearm or other deadly weapon by such
21 person, (B) a history of the use, attempted use or threatened use of
22 physical force by such person against other persons, (C) prior
23 involuntary confinement of such person in a hospital for persons with
24 psychiatric disabilities, and (D) the illegal use of controlled substances
25 or abuse of alcohol by such person. In the case of a complaint made
26 under subsection (a) of this section, if the judge is satisfied that the
27 grounds for the complaint exist or that there is probable cause to believe
28 that such grounds exist, such judge shall issue a risk protection order
29 and warrant, if applicable, naming or describing the person, and, in the
30 case of the issuance of a warrant, the place or thing to be searched. The
31 order and warrant, if applicable, shall be directed to any police officer
32 of a regularly organized police department or any state police officer.
33 The order and warrant, if applicable, shall state the grounds or probable
34 cause for issuance and, in the case of a warrant, the warrant shall
35 command the officer to search within a reasonable time the person,
36 place or thing named for any and all firearms and other deadly weapons
37 and ammunition. A copy of the order and warrant, if applicable, shall
38 be served upon the person named in the order not later than three days
39 prior to the hearing scheduled pursuant to subsection (e) of this section,
40 together with a notice informing the person that such person has the
41 right to a hearing under this section, the telephone number for the court
42 clerk who can inform the person of the date and time of such hearing
43 and the right to be represented by counsel at such hearing. If the person
44 is unable to afford counsel and is represented by a public defender or
45 an assigned counsel in a pending criminal proceeding in a court in this
46 state, counsel shall be appointed on behalf of such person if determined

47 to be eligible under the provisions of chapter 887 for purposes of in-
48 court proceedings pursuant to this section.

49 Sec. 2. Section 14-227b of the general statutes is repealed and the
50 following is substituted in lieu thereof (*Effective October 1, 2024*):

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

59 (b) (1) A police officer who has placed a person under arrest for a
60 violation of section 14-227a, 14-227m or subdivision (1) or (2) of
61 subsection (a) of section 14-227n may request that such person submit
62 to a blood, breath or urine test at the option of the police officer, a drug
63 influence evaluation conducted by a drug recognition expert, or both,
64 after such person has been (A) apprised of such person's constitutional
65 rights; (B) afforded a reasonable opportunity to telephone an attorney
66 prior to the performance of such test or evaluation; (C) informed that
67 evidence of any refusal to submit to such test or evaluation shall be
68 admissible in accordance with subsection (e) of section 14-227a and may
69 be used against such person in any criminal prosecution, except that
70 refusal to submit to the testimonial portions of a drug influence
71 evaluation shall not be considered evidence of refusal of such evaluation
72 for purposes of any criminal prosecution; and (D) informed that such
73 person's license or operating privilege may be suspended in accordance
74 with the provisions of this section if (i) such person refuses to submit to
75 such test or the nontestimonial portion of a drug influence evaluation,
76 (ii) such person submits to such test and the results of such test indicate
77 that such person has an elevated blood alcohol content, or (iii) the officer
78 concludes, through investigation, that such person was operating a
79 motor vehicle under the influence of intoxicating liquor or any drug, or

80 both.

81 (2) If the person refuses to submit to any test or drug influence
82 evaluation, the test or evaluation shall not be given, except if the person
83 refuses or is unable to submit to a blood test, the police officer shall
84 designate another test to be taken. If a person submits to a breath test
85 and the police officer, for reasonable cause, requests an additional
86 chemical test of a different type to detect the presence of a drug or drugs
87 other than or in addition to alcohol, the officer may administer such test,
88 except that if such person refuses or is unable to submit to a blood test,
89 the officer shall designate a urine test to be taken. The police officer shall
90 make a notation upon the records of the law enforcement unit, as
91 defined in section 7-294a, that such officer informed the person that such
92 person's license or operating privilege may be suspended if (A) such
93 person refused to submit to such test or nontestimonial portion of a drug
94 influence evaluation; (B) such person submitted to such test and the
95 results of such test indicated that such person had an elevated blood
96 alcohol content; or (C) the officer concludes, through investigation, that
97 such person was operating a motor vehicle under the influence of
98 intoxicating liquor or any drug, or both.

99 (c) If the person arrested refuses to submit to such test or
100 nontestimonial portion of a drug influence evaluation or submits to such
101 test, commenced within two hours of the time of operation, and the
102 results of such test indicate that such person has an elevated blood
103 alcohol content, the police officer, acting on behalf of the Commissioner
104 of Motor Vehicles, shall immediately revoke and take possession of the
105 motor vehicle operator's license or, if such person is not licensed or is a
106 nonresident, suspend the operating privilege of such person, for a
107 twenty-four-hour period. The police officer shall prepare a report of the
108 incident and shall mail or otherwise transmit in accordance with this
109 subsection the report and a copy of the results of any chemical test to
110 the Department of Motor Vehicles within three business days. The
111 report shall contain such information as prescribed by the
112 Commissioner of Motor Vehicles and shall be subscribed and sworn to
113 under penalty of false statement as provided in section 53a-157b by the

114 arresting officer. If the person arrested refused to submit to such test or
115 evaluation, the report shall be endorsed by a third person who
116 witnessed such refusal. The report shall set forth the grounds for the
117 officer's belief that there was probable cause to arrest such person for a
118 violation of section 14-227a or 14-227m or subdivision (1) or (2) of
119 subsection (a) of section 14-227n and shall state that such person had
120 refused to submit to such test or evaluation when requested by such
121 police officer to do so or that such person submitted to such test,
122 commenced within two hours of the time of operation, and the results
123 of such test indicated that such person had an elevated blood alcohol
124 content. A drug influence evaluation need not be commenced within
125 two hours of the time of operation. The Commissioner of Motor Vehicles
126 may accept a police report under this subsection that is prepared and
127 transmitted as an electronic record, including electronic signature or
128 signatures, subject to such security procedures as the commissioner may
129 specify and in accordance with the provisions of sections 1-266 to 1-286,
130 inclusive. In any hearing conducted pursuant to the provisions of
131 subsection (g) of this section, it shall not be a ground for objection to the
132 admissibility of a police report that it is an electronic record prepared by
133 electronic means.

134 (d) If a police officer who has placed a person under arrest for a
135 violation of section 14-227a or 14-227m or subdivision (1) or (2) of
136 subsection (a) of section 14-227n does not request that such person
137 submit to a blood, breath or urine test under subsection (b) of this
138 section, or obtains results from a test administered under subsection (b)
139 of this section that indicate that the person does not have an elevated
140 blood alcohol content, such officer shall:

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

146 (2) Submit a report to the commissioner in accordance with the

147 procedure set forth in subsection (c) of this section and, if such report
148 contains the results of a blood, breath or urine test that does not show
149 an elevated blood alcohol content, such report shall conform to the
150 requirements in subsection (c) of this section for reports that contain
151 results showing an elevated blood alcohol content. In any report
152 submitted under this subdivision, the officer shall document (A) the
153 basis for the officer's belief that there was probable cause to arrest such
154 person for a violation of section 14-227a or 14-227m or subdivision (1)
155 or (2) of subsection (a) of section 14-227n, and (B) whether the officer
156 concluded, through investigation, that the person was operating a
157 motor vehicle under the influence of intoxicating liquor or any drug, or
158 both. With such report, the officer may submit other supporting
159 documentation indicating the person's intoxication by liquor or any
160 drug, or both. If the officer concludes, through investigation, that the
161 person was operating a motor vehicle under the influence of
162 intoxicating liquor or any drug, or both, the officer shall immediately
163 revoke and take possession of the motor vehicle operator's license or, if
164 such person is not licensed or is a nonresident, suspend the operating
165 privilege of such person for a twenty-four-hour period.

166 (e) (1) Except as provided in subdivision (2) of this subsection, upon
167 receipt of a report submitted under subsection (c) or (d) of this section,
168 the commissioner may suspend any operator's license or operating
169 privilege of such person effective as of a date certain, which date certain
170 shall be not later than thirty days from the later of the date such person
171 received (A) notice of such person's arrest by the police officer, or (B) the
172 results of a blood or urine test or a drug influence evaluation. Any
173 person whose operator's license or operating privilege has been
174 suspended in accordance with this subdivision shall automatically be
175 entitled to a hearing before the commissioner to be held in accordance
176 with the provisions of chapter 54 and prior to the effective date of the
177 suspension. The commissioner shall send a suspension notice to such
178 person informing such person that such person's operator's license or
179 operating privilege is suspended as of a date certain and that such
180 person is entitled to a hearing prior to the effective date of the

181 suspension and may schedule such hearing by contacting the
182 Department of Motor Vehicles not later than seven days after the date
183 of mailing of such suspension notice.

184 (2) Upon receipt of a report that (A) the person's arrest involved an
185 accident resulting in a fatality, or (B) the person has previously had such
186 person's operator's license or operating privilege suspended under the
187 provisions of section 14-227a, 14-227m or 14-227n during the ten-year
188 period preceding the present arrest, the commissioner may suspend any
189 operator's license or operating privilege of such person effective as of
190 the date specified in a notice of such suspension to such person. A
191 person whose operator's license or operating privilege has been
192 suspended in accordance with this subdivision shall automatically be
193 entitled to a hearing before the commissioner, to be held in accordance
194 with the provisions of chapter 54. The commissioner shall send a
195 suspension notice to such person informing such person that such
196 person's operator's license or operating privilege is suspended as of the
197 date specified in such suspension notice, and that such person is entitled
198 to a hearing and may schedule such hearing by contacting the
199 Department of Motor Vehicles not later than seven days after the date
200 of mailing of such suspension notice. Any suspension issued under this
201 subdivision shall remain in effect until such suspension is affirmed
202 under subsection (f) of this section or such operator's license or
203 operating privilege is reinstated in accordance with subsection (h) of this
204 section.

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

209 (g) (1) If such person contacts the department to schedule a hearing,
210 the department shall assign a date, time and place for the hearing, which
211 date shall be prior to the effective date of the suspension, except that,
212 with respect to a person whose operator's license or operating privilege
213 is suspended in accordance with subdivision (2) of subsection (e) of this

214 section, such hearing shall be scheduled not later than thirty days after
215 such person contacts the department. At the request of such person, the
216 hearing officer or the department and upon a showing of good cause,
217 the commissioner may grant one or more continuances.

218 (2) A hearing based on a report submitted under subsection (c) of this
219 section shall be limited to a determination of the following issues: (A)
220 Did the police officer have probable cause to arrest the person for
221 operating a motor vehicle while under the influence of intoxicating
222 liquor or any drug, or both; (B) was such person placed under arrest; (C)
223 did such person (i) refuse to submit to such test or nontestimonial
224 portion of a drug influence evaluation, or (ii) submit to such test,
225 commenced within two hours of the time of operation, and the results
226 of such test indicated that such person had an elevated blood alcohol
227 content; and (D) was such person operating the motor vehicle.

228 (3) A hearing based on a report submitted under subsection (d) of this
229 section shall be limited to a determination of the following issues: (A)
230 Did the police officer have probable cause to arrest the person for
231 operating a motor vehicle while under the influence of intoxicating
232 liquor or any drug, or both; (B) was such person placed under arrest; (C)
233 was such person operating a motor vehicle under the influence of
234 intoxicating liquor or any drug, or both; and (D) was such person
235 operating the motor vehicle.

236 (4) In a hearing under this subsection, the results of the test, if
237 administered, shall be sufficient to indicate the ratio of alcohol in the
238 blood of such person at the time of operation, provided such test was
239 commenced within two hours of the time of operation. The fees of any
240 witness summoned to appear at a hearing under this subsection shall be
241 the same as provided by the general statutes for witnesses in criminal
242 cases. Notwithstanding the provisions of subsection (a) of section 52-
243 143, any subpoena summoning a police officer as a witness shall be
244 served not less than seventy-two hours prior to the designated time of
245 the hearing.

246 (5) In a hearing based on a report submitted under subsection (d) of
247 this section, evidence of operation under the influence of intoxicating
248 liquor or any drug, or both shall be admissible. Such evidence may
249 include, but need not be limited to, (A) the police officer's observations
250 of intoxication, as documented in a report submitted to the
251 commissioner under subsection (d) of this section; (B) the results of any
252 chemical test administered under this section or a toxicology report
253 certified by the Division of Scientific Services within the Department of
254 Emergency Services and Public Protection; (C) hospital or medical
255 records obtained in accordance with subsection (j) of this section or by
256 the consent of the operator; (D) the results of any tests conducted by, or
257 the report of, an officer trained in advanced roadside impaired driving
258 enforcement; or (E) reports of drug recognition experts.

259 (h) If, after a hearing under subdivision (2) of subsection (g) of this
260 section, the commissioner finds in the negative on any one of the issues
261 specified in subparagraph (A), (B), (C) or (D) of said subdivision, the
262 commissioner shall reinstate such license or operating privilege. If, after
263 a hearing under subdivision (3) of subsection (g) of this section, the
264 commissioner finds in the negative on any one of the issues specified in
265 subparagraph (A), (B), (C) or (D) of said subdivision, the commissioner
266 shall reinstate such license or operating privilege. If, after such hearing
267 under subdivision (2) or (3) of subsection (g) of this section, the
268 commissioner does not find on any one of said issues in the negative or
269 if such person fails to appear at such hearing, the commissioner shall
270 affirm the suspension contained in the suspension notice for the
271 appropriate period specified in subsection (i) of this section. The
272 commissioner shall render a decision at the conclusion of such hearing
273 and send a notice of the decision by bulk certified mail or by personal
274 delivery, as defined in section 4-166, to such person. The notice of such
275 decision sent by bulk certified mail or by personal delivery to the
276 address of such person as shown by the records of the commissioner
277 shall be sufficient notice to such person that such person's operator's
278 license or operating privilege is reinstated or suspended, as the case may
279 be. A notice of the decision shall only be transmitted by personal

280 delivery if the operator has consented, in writing, to such personal
281 delivery.

282 (i) (1) The commissioner shall suspend the operator's license or
283 operating privilege of a person who did not contact the department to
284 schedule a hearing, who failed to appear at a hearing, or against whom
285 a decision was issued, after a hearing, pursuant to subsection (h) of this
286 section, as of the effective date contained in the suspension notice, for a
287 period of forty-five days. As a condition for the restoration of such
288 operator's license or operating privilege, such person shall be required
289 to install an ignition interlock device on each motor vehicle owned or
290 operated by such person and, upon such restoration, be prohibited from
291 operating a motor vehicle unless such motor vehicle is equipped with a
292 functioning, approved ignition interlock device, as defined in section 14-
293 227j, for the longer of either (A) the period prescribed in subdivision (2)
294 of this subsection for the present arrest and suspension, or (B) the period
295 prescribed in subdivision (1), (2) or (3) of subsection (g) of section 14-
296 227a or subdivision (1), (2) or (3) of subsection (c) of section 14-227m or
297 subdivision (1) or (2) of subsection (c) of section 14-227n for the present
298 arrest and conviction, if any.

299 (2) (A) A person twenty-one years of age or older at the time of the
300 arrest who submitted to a test and the results of such test indicated that
301 such person had an elevated blood alcohol content, or was found to have
302 been operating a motor vehicle under the influence of intoxicating
303 liquor or any drug, or both based on a report filed pursuant to
304 subsection (d) of this section, shall install and maintain an ignition
305 interlock device for the following periods: (i) For a first suspension
306 under this section, six months; (ii) for a second suspension under this
307 section, one year; and (iii) for a third or subsequent suspension under
308 this section, two years; (B) a person under twenty-one years of age at the
309 time of the arrest who submitted to a test and the results of such test
310 indicated that such person had an elevated blood alcohol content, or was
311 found to have been operating a motor vehicle under the influence of
312 intoxicating liquor or any drug, or both based on a report filed pursuant
313 to subsection (d) of this section, shall install and maintain an ignition

314 interlock device for the following periods: (i) For a first suspension
315 under this section, one year; (ii) for a second suspension under this
316 section, two years; and (iii) for a third or subsequent suspension under
317 this section, three years; and (C) a person, regardless of age, who refused
318 to submit to a test or nontestimonial portion of a drug influence
319 evaluation shall install and maintain an ignition interlock device for the
320 following periods: (i) For a first suspension under this section, one year;
321 (ii) for a second suspension under this section, two years; and (iii) for a
322 third or subsequent suspension, under this section, three years.

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

329 (j) Notwithstanding the provisions of subsections (b) to (i), inclusive,
330 of this section, any police officer who obtains the results of a test of a
331 blood sample taken from or a urine sample provided by an operator of
332 a motor vehicle who was involved in an accident and suffered or
333 allegedly suffered physical injury in such accident, or who was
334 otherwise deemed by a police officer to require treatment or observation
335 at a hospital, shall notify the commissioner and submit to the
336 commissioner a written report if such results indicate that such person
337 had an elevated blood alcohol content, or any quantity of an intoxicating
338 liquor or any drug, or both, in such person's blood, and if such person
339 was arrested for violation of section 14-227a or 14-227m or subdivision
340 (1) or (2) of subsection (a) of section 14-227n. The report shall be made
341 on a form approved by the commissioner containing such information
342 as the commissioner prescribes, and shall be subscribed and sworn to
343 under penalty of false statement, as provided in section 53a-157b, by the
344 police officer. The commissioner may, after notice and an opportunity
345 for hearing, which shall be conducted by a hearing officer on behalf of
346 the commissioner in accordance with chapter 54, suspend the motor
347 vehicle operator's license or operating privilege of such person for the

348 appropriate period of time specified in subsection (i) of this section and
349 require such person to install and maintain an ignition interlock device
350 for the appropriate period of time prescribed in subsection (i) of this
351 section. Each hearing conducted under this subsection shall be limited
352 to a determination of the following issues: (1) Whether the police officer
353 had probable cause to arrest the person for operating a motor vehicle
354 while under the influence of intoxicating liquor or drug, or both; (2)
355 whether such person was placed under arrest; (3) whether such person
356 was operating the motor vehicle; (4) whether (A) the results of the
357 analysis of the blood or urine of such person indicate that such person
358 had an elevated blood alcohol content, or (B) the person was operating
359 a motor vehicle under the influence of intoxicating liquor or any drug,
360 or both; and (5) in the event that a blood sample was taken, whether the
361 blood sample was obtained in accordance with conditions for
362 admissibility and competence as evidence as set forth in subsection (k)
363 of section 14-227a. If, after such hearing, the commissioner finds on any
364 one of the said issues in the negative, the commissioner shall not impose
365 a suspension. The fees of any witness summoned to appear at the
366 hearing shall be the same as provided by the general statutes for
367 witnesses in criminal cases, as provided in section 52-260.

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

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

375 (m) Notwithstanding the provisions of this section, when a person is
376 required, pursuant to this section, to install and maintain an ignition
377 interlock device or is prohibited, pursuant to this section, from
378 operating a motor vehicle except under the condition that such device
379 is installed and maintained on such vehicle, such requirement and
380 condition shall cease to apply to such person upon any of the following

381 conditions being met in the case of an arrest for a violation of section 14-
382 227a, 14-227m or subdivision (1) or (2) of subsection (a) of section 14-
383 227n (1) for which the only intoxicating substance detected is cannabis:
384 (A) All charges resulting from such alleged violation are withdrawn,
385 nolled or dismissed; (B) the person has been acquitted of any charges
386 resulting from such alleged violation; or (C) any conviction of such
387 person based upon any charges resulting from such alleged violation is
388 vacated, overturned or erased, or (2) for which the person was convicted
389 for such violation, alcohol was detected as an intoxicating substance for
390 such violation and such person has received an absolute pardon for each
391 such conviction. Upon the ceasing of the application of such
392 requirement and condition upon such person, the commissioner shall
393 provide written notification to the person indicating that such
394 requirement and condition has ceased to apply to such person. The
395 provisions of this subsection shall not affect any other requirement or
396 condition applied to such person.

397 [(m)] (n) The state shall pay the reasonable charges of any physician
398 who, at the request of a law enforcement unit, as defined in section 7-
399 294a, takes a blood sample for purposes of a test under the provisions of
400 this section.

401 [(n)] (o) For the purposes of this section, "elevated blood alcohol
402 content" means (1) a ratio of alcohol in the blood of such person that is
403 eight-hundredths of one per cent or more of alcohol, by weight, (2) if
404 such person is operating a commercial motor vehicle, a ratio of alcohol
405 in the blood of such person that is four-hundredths of one per cent or
406 more of alcohol, by weight, or (3) if such person is less than twenty-one
407 years of age, a ratio of alcohol in the blood of such person that is two-
408 hundredths of one per cent or more of alcohol, by weight.

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

412 Sec. 3. (NEW) *(Effective from passage and applicable to any offense*

413 committed prior to, on or after said date) Any offense committed by means
414 of communication transmitted by use of an interactive computer service,
415 as defined in section 53a-90a of the general statutes, computer network,
416 as defined in section 53a-250 of the general statutes, telecommunications
417 service, as defined in section 16-247a of the general statutes, cellular
418 system, as used in section 16-50i of the general statutes, electronic
419 communication service, as defined in section 54-260b of the general
420 statutes or electronic communication system, as defined in 18 USC 2510,
421 as amended from time to time, including electronic mail or text message
422 or any other electronically sent message, whether by digital media
423 account, messaging program or application, may be deemed to have
424 been committed either at the place where the communication originated
425 or at the place where it was received.

426 Sec. 4. Section 18-85 of the 2024 supplement to the general statutes is
427 repealed and the following is substituted in lieu thereof (*Effective October*
428 *1, 2024*):

429 (a) The Commissioner of Correction, after consultation with the
430 Commissioner of Administrative Services and the Secretary of the Office
431 of Policy and Management, shall establish a schedule of compensation
432 for services performed on behalf of the state by [inmates of] persons who
433 are incarcerated in any institution or facility of the department. Such
434 schedule shall (1) recognize degrees of merit, diligence and skill in order
435 to encourage inmate incentive and industry, and (2) establish a pay
436 [range] rate of not less than [five dollars per week, but not greater than
437 ten dollars per week] one dollar per day with higher rates of pay based
438 upon skill level or other factors, as determined by the Commissioner of
439 Correction, or the commissioner's designee.

440 (b) Compensation so earned shall be deposited, under the direction
441 of the Commissioner of Correction, in an account in a savings bank or
442 state bank and trust company in this state or an account administered
443 by the State Treasurer. Any compensation so earned shall be paid to the
444 [inmate on the inmate's] incarcerated person upon such person's release
445 from incarceration in the form of a debit card, except that the

446 commissioner may, while [the inmate] such person is in custody,
447 disburse any compensation earned by such [inmate] person in
448 accordance with the following priorities: (1) Federal taxes due; (2)
449 restitution or payment of compensation to a crime victim ordered by
450 any court of competent jurisdiction; (3) payment of a civil judgment
451 rendered in favor of a crime victim by any court of competent
452 jurisdiction; (4) victims compensation through the criminal injuries
453 account administered by the Office of Victim Services; (5) state taxes
454 due; (6) support of the [inmate's] incarcerated person's dependents, if
455 any; (7) the [inmate's] incarcerated person's necessary travel expense to
456 and from work and other incidental expenses; (8) costs of such
457 [inmate's] person's incarceration under section 18-85a and regulations
458 adopted in accordance with said section; and (9) payment to the clerk of
459 the court in which an [inmate] incarcerated person, confined in a
460 correctional facility only for payment of a fine, was convicted, such
461 portion of such compensation as is necessary to pay such fine. Any
462 interest that accrues shall be credited to any institutional fund
463 established for the welfare of [inmates] incarcerated persons.
464 Compensation under this section shall be in addition to any
465 compensation received or credited under section 18-50.

466 Sec. 5. Section 54-53 of the general statutes is repealed and the
467 following is substituted in lieu thereof (*Effective October 1, 2024*):

468 Each person detained in a community correctional center pursuant to
469 the issuance of a bench warrant of arrest or for arraignment, sentencing
470 or trial for an offense not punishable by death shall be entitled to bail
471 and shall be released from such institution upon entering into a
472 recognizance, with sufficient surety, or upon posting cash bail, in an
473 amount rounded down to the nearest dollar, as provided in section 54-
474 66, for the detained person's appearance before the court having
475 cognizance of the offense, to be taken by any person designated by the
476 Commissioner of Correction at the institution where the person is
477 detained. The person so designated shall deliver the recognizance or
478 cash bail to the clerk of the appropriate court before the opening of the
479 court on the first court day thereafter. When cash bail in excess of ten

480 thousand dollars is received for a detained person accused of a felony,
481 where the underlying facts and circumstances of the felony involve the
482 use, attempted use or threatened use of physical force against another
483 person, the person so designated shall prepare a report that contains (1)
484 the name, address and taxpayer identification number of the detained
485 person, (2) the name, address and taxpayer identification number of
486 each person offering the cash bail, other than a person licensed as a
487 professional bondsman under chapter 533 or a surety bail bond agent
488 under chapter 700f, (3) the amount of cash received, and (4) the date the
489 cash was received. Not later than fifteen days after receipt of such cash
490 bail, the person so designated shall file the report with the Department
491 of Revenue Services and mail a copy of the report to the state's attorney
492 for the judicial district in which the alleged offense was committed and
493 to each person offering the cash bail.

494 Sec. 6. Subsection (i) of section 54-56d of the general statutes is
495 repealed and the following is substituted in lieu thereof (*Effective October*
496 *1, 2024*):

497 (i) (1) The placement of the defendant for treatment for the purpose
498 of rendering the defendant competent shall comply with the following
499 conditions: [(1)] (A) The period of placement under the order or
500 combination of orders shall not exceed the period of the maximum
501 sentence which the defendant could receive on conviction of the charges
502 against the defendant or eighteen months, whichever is less; [(2)] (B) the
503 placement shall be either [(A)] (i) in the custody of the Commissioner of
504 Mental Health and Addiction Services, the Commissioner of Children
505 and Families or the Commissioner of Developmental Services, except
506 that any defendant placed for treatment with the Commissioner of
507 Mental Health and Addiction Services may remain in the custody of the
508 Department of Correction pursuant to subsection (p) of this section; or,
509 [(B)] (ii) if the defendant or the appropriate commissioner agrees to
510 provide payment, in the custody of any appropriate mental health
511 facility or treatment program which agrees to provide treatment to the
512 defendant and to adhere to the requirements of this section; and [(3)] (C)
513 the court shall order the placement, on either an inpatient or an

514 outpatient basis, which the court finds is the least restrictive placement
515 appropriate and available to restore competency.

516 (2) In determining the least restrictive placement appropriate and
517 available to restore competency, the court shall consider the following
518 factors: (A) The nature and circumstances of the alleged crime; (B) such
519 defendant's record of criminal convictions; (C) such defendant's record
520 of appearance in court; (D) such defendant's family and community ties;
521 (E) such defendant's willingness and ability to engage with treatment
522 ordered under this section; (F) whether such defendant's use of
523 substances would interfere with such defendant's ability to be successful
524 in such placement; (G) any psychiatric symptoms experienced by such
525 defendant and the nature and severity of the symptoms; and (H) any
526 other relevant factors specific to the defendant and such defendant's
527 circumstances.

528 (3) If the defendant is not charged with a felony, the court shall
529 presume that outpatient treatment is the least restrictive placement
530 appropriate and available to restore competency, unless the court has
531 good cause to find otherwise based on review of the factors in
532 subdivision (2) of this subsection. If outpatient treatment is the least
533 restrictive placement for a defendant who has not yet been released
534 from a correctional facility, the court shall consider whether the
535 availability of such treatment is a sufficient basis on which to release the
536 defendant on a promise to appear, conditions of release, cash bail or
537 bond. If the court determines that the defendant may not be so released,
538 the court shall order treatment of the defendant on an inpatient basis at
539 a mental health facility or facility for persons with intellectual disability.
540 Not later than twenty-four hours after the court orders placement of the
541 defendant for treatment for the purpose of rendering the defendant
542 competent, the examiners shall transmit information obtained about the
543 defendant during the course of an examination pursuant to subsection
544 (d) of this section to the health care provider named in the court's order.

545 Sec. 7. Subsection (c) of section 51-49i of the general statutes is
546 repealed and the following is substituted in lieu thereof (*Effective July 1,*

547 2024):

548 (c) Each judge shall receive annually, as retirement salary, two-thirds
549 of such judge's salary as defined in section 51-49f, each family support
550 magistrate shall receive annually, as retirement salary, two-thirds of
551 such family support magistrate's salary as defined in section 46b-233a,
552 and each administrative law judge shall receive annually, as retirement
553 salary, two-thirds of such administrative law judge's salary as defined
554 in section 51-49g. [~~]; except that, if~~ If a judge, a family support magistrate
555 or an administrative law judge has served fewer than ten years at the
556 time of [his or her] such judge's, family support magistrate's or
557 administrative law judge's retirement [under this section, his or her] and
558 has attained the age of seventy while serving in such judge's, family
559 support magistrate's or administrative law judge's respective office,
560 such judge's, family support magistrate's or administrative law judge's
561 retirement salary shall be reduced [in the ratio that the number of years
562 of his or her completed service bears to the number of years of service
563 that would have been completed at seventy years of age or ten years,
564 whichever is less] in the same manner as provided in subdivision (2) of
565 subsection (b) of section 51-50.

566 Sec. 8. Subsection (a) of section 53a-40e of the general statutes is
567 repealed and the following is substituted in lieu thereof (*Effective October*
568 *1, 2024*):

569 (a) If any person is convicted of, or found not guilty by reason of
570 mental disease or defect of, (1) a violation of section 53a-70b of the
571 general statutes, revision of 1958, revised to January 1, 2019, or
572 subdivision (1) or (2) of subsection (a) of section 53-21, section 53a-59,
573 53a-59a, 53a-60, 53a-60a, 53a-60b, 53a-60c, 53a-70, 53a-70a, 53a-70c, 53a-
574 71, 53a-72a, 53a-72b, 53a-73a, 53a-181c, 53a-181d, 53a-181e, 53a-182b or
575 53a-183, subdivision (2) of subsection (a) of section 53a-192a, section 53a-
576 223, 53a-223a or 53a-223b or attempt or conspiracy to violate any of said
577 sections or section 53a-54a, or (2) any crime that the court determines
578 constitutes a family violence crime, as defined in section 46b-38a, or
579 attempt or conspiracy to commit any such crime, the court may, in

580 addition to imposing the sentence authorized for the crime under
 581 section 53a-35a or 53a-36, if the court is of the opinion that the history
 582 and character and the nature and circumstances of the criminal conduct
 583 of such offender indicate that a standing criminal protective order will
 584 best serve the interest of the victim and the public, issue a standing
 585 criminal protective order which shall remain in effect for a duration
 586 specified by the court until modified or revoked by the court for good
 587 cause shown. If any person is convicted of, or found not guilty by reason
 588 of mental disease or defect of, any crime not specified in subdivision (1)
 589 or (2) of this subsection, the court may, for good cause shown, issue a
 590 standing criminal protective order pursuant to this subsection.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2024	29-38c(c)
Sec. 2	October 1, 2024	14-227b
Sec. 3	<i>from passage and applicable to any offense committed prior to, on or after said date</i>	New section
Sec. 4	October 1, 2024	18-85
Sec. 5	October 1, 2024	54-53
Sec. 6	October 1, 2024	54-56d(i)
Sec. 7	July 1, 2024	51-49i(c)
Sec. 8	October 1, 2024	53a-40e(a)

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: None

Municipal Impact: None

Explanation

The bill makes various, technical, and conforming changes to (1) court-related matters, (2) inmate compensation, (3) retirement salary statutes for certain judicial officials, and (4) ignition interlock device requirements. The bill is not anticipated to have a fiscal impact.

House "A" removes sections that increased juror compensation and that expanded a pretrial diversionary program, which eliminates the cost to the Judicial Department, Department of Developmental Services, Department of Social Services, and Department of Mental Health and Addiction Services, resulting in the impact described above.

The Out Years

None

OLR Bill Analysis**sHB 5500 (as amended by House "A")***

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.

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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

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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

[§ 5 — ROUNDING OF CASH BAIL](#)

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

§ 6 — 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

§ 7 — JUDICIAL PENSIONS

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

§ 8 — 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.

*House Amendment "A" removes provisions from the underlying bill (1) generally increasing the amount and scope of juror compensation and expense reimbursement and (2) extending to people with intellectual disability or autism spectrum disorder an existing pretrial diversionary program.

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

§ 1 — 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.

§ 2 — 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

<i>Per Se Offense</i>	<i>IID Requirement (After 45-Day License Suspension)</i>		
	<i>First Suspension</i>	<i>Second Suspension</i>	<i>Third or Subsequent Suspension</i>
<u>Age 21 or older</u> : elevated BAC or found to have been driving under the influence of alcohol, drugs, or both	Six months	One year	Two years
<u>Under Age 21</u> : 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

§ 3 — 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.

§ 4 — 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.

§ 5 — 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.

§ 6 — 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.

§ 7 — 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

§ 8 — 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)