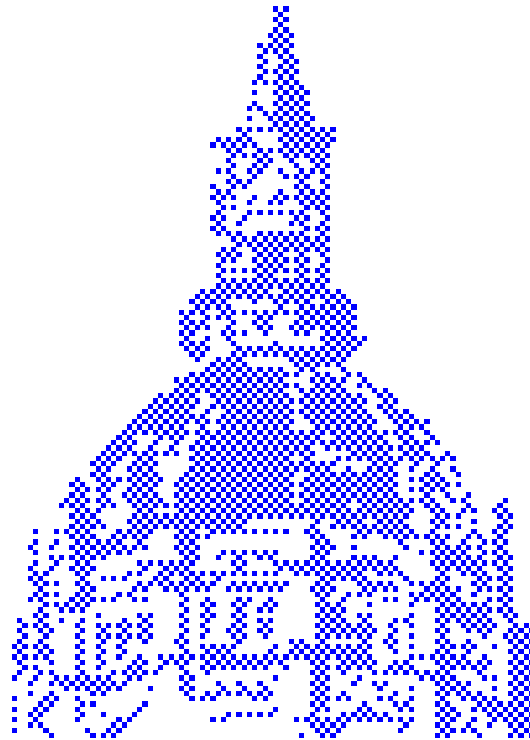




## ACTS AFFECTING CRIME AND PUBLIC SAFETY



2014-R-0178

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## NOTICE TO READERS

This report provides brief highlights of new laws affecting crime and public safety enacted during the 2014 regular session. Each entry indicates the public act (PA) number. We do not include vetoed public acts.

Not all provisions of the acts are included here. Complete summaries of all 2014 public acts will be available when OLR publishes its Public Act Summary book; some are already on OLR's website.

([www.cga.ct.gov/olr/OLRPASums.asp](http://www.cga.ct.gov/olr/OLRPASums.asp)).

All acts summarized here are effective October 1, 2014, unless otherwise noted.

Readers are encouraged to obtain the full text of acts that interest them from the Connecticut State Library, House Clerk's Office, or General Assembly's website ([www.cga.ct.gov/](http://www.cga.ct.gov/)).

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## TABLE ON PENALTIES

The law authorizes courts to impose imprisonment, fines, or both when sentencing a convicted criminal. Table 1 displays the range of prison terms and fines that judges may impose for each classification of crime. Some crimes have a mandatory minimum sentence not specified in the table. Also, repeated or persistent offenders may face higher sentences than specified here.

**Table 1: Crime Classifications and their Penalties**

<i>Felony or Misdemeanor</i>	<i>Prison Term</i>	<i>Fine</i>
Class A felony—murder with special circumstances	Life without the possibility of release	Up to \$20,000
Class A felony—murder	25 to 60 years	Up to \$20,000
Class A felony—aggravated sexual assault of a minor	25 to 50 years	Up to \$20,000
Class A felony	10 to 25 years	Up to \$20,000
Class B felony—1st degree manslaughter with a firearm	Five to 40 years	Up to \$15,000
Class B felony	One to 20 years	Up to \$15,000
Class C felony	One to 10 years	Up to \$10,000
Class D felony	Up to 5 years	Up to \$5,000
Class E felony	Up to 3 years	Up to \$3,500
Class A misdemeanor	Up to 1 year	Up to \$2,000
Class B misdemeanor	Up to 6 months	Up to \$1,000
Class C misdemeanor	Up to 3 months	Up to \$500
Class D misdemeanor	Up to 30 days	Up to \$250

## **ALTERNATIVES TO PROSECUTION**

### ***Accelerated Rehabilitation (AR) Eligibility***

Prior law only allowed a non-veteran to participate in the AR program once and a veteran to do so twice. [PA 14-233](#), § 7, allows a non-veteran to participate a second time if (1) the first time was for a crime or motor vehicle violation punishable by up to one year in prison and (2) at least 10 years have passed since the court dismissed the charges after the person successfully completed the AR program.

By law, a person is eligible for AR if he or she does not have a prior conviction for a crime or certain motor vehicle violations and is not charged with certain crimes, including most class B felonies. Prior law allowed someone charged with the class B felony of 1<sup>st</sup> degree larceny to participate unless the person used, attempted to use, or threatened to use force as part of the crime. The act additionally prohibits participation by a state, municipal, or quasi-public official or employee charged with 1<sup>st</sup> degree larceny involving defrauding a public community of more than \$2,000.

### ***Examination for Alcohol or Drug Dependency***

By law, courts may order someone charged with a crime or awaiting sentencing to be examined for alcohol or drug dependency to determine whether the person needs treatment.

The Department of Mental Health and Addiction Services (DMHAS) appoints clinical examiners to conduct the examinations.

[PA 14-138](#), § 5, requires DMHAS to disclose to the examiners information in the department's database about the date and location of any treatment the person received for alcohol or drug dependence so the examiner can request from DMHAS a release of treatment information.

### ***Pretrial Alcohol Education Program***

[PA 14-110](#) requires the court, before allowing a defendant to participate in this program, to hear from a victim who suffered serious physical injury as a result of the defendant's conduct. The defendant applying for participation must (1) notify the victim of this opportunity by registered or certified mail on a form approved by court rules and (2) state that he or she has done so under oath and penalty of perjury.

### ***Pretrial Drug Education and Community Service Program***

Previously, first-time participants in this program were required to attend a 15-week drug education program. [PA 14-173](#) gives the court the option, based on the evaluation conducted by DMHAS, to instead require a participant to attend a substance abuse treatment program consisting of at least 15 sessions. By law, the court (1) has these same options for those



participating for the second time and (2) must refer a third-time participant to a state-licensed substance abuse program for evaluation and participation in treatment as ordered by the court.

### ***Sealing Court Files***

[PA 14-233](#), §§ 7-8, requires the court to seal a person's file when he or she applies for participation in AR or alcohol or drug dependency treatment. This means the information is not publicly available. By law, the court may dismiss the charges of someone who satisfactorily completes the AR or treatment program.

### ***Veterans' Eligibility for Various Diversion Programs***

The criteria for participating in, and the service providers used by, pretrial diversion programs vary depending on whether the defendant is a veteran. [PA 14-56](#) limits these veteran-specific aspects of the AR, pretrial drug education, and psychiatric disabilities diversionary programs only to veterans discharged or released under conditions other than dishonorable from the U.S. Armed Forces. It treats family members of such veterans, including the surviving spouse, child, or parents, who, under prior law, also qualified for the veterans' provisions, the same as nonveterans.

## **BAIL BONDS**

### ***Accused Fails to Appear or Absconds***

[PA 14-184](#) makes several changes relating to bail bonds in criminal cases, including:

1. allowing a court to extend, for good cause, the required six-month stay of execution on a bond forfeiture order when an accused fails to appear in court;
2. allowing a surety to apply to the court to be released from a bond after a principal absconds; and
3. requiring the court to vacate a bond and release a professional bondsman or surety bail bond agent and insurer upon satisfactory proof that the accused is held by a federal agency or removed by U. S. Immigration and Customs Enforcement, if the prosecutor does not seek extradition.

### ***Automatic Termination of Bail Bonds***

When a defendant is released from custody on posting a bail bond, the law automatically terminates the bond under certain circumstances. [PA 14-207](#), § 8, changes these circumstances in a number of ways:

1. It eliminates automatic termination when a person is granted admission to the community service labor program. (This program is no longer a pretrial program. But certain offenders may participate instead of serving a prison sentence after a plea agreement.)
2. It adds automatic termination when prosecution ends by nolle prosequi (the prosecutor officially declines to prosecute the charge). This appears to conform to existing court practice.
3. Existing law automatically terminates a bond upon sentencing. The act requires termination only after the court lifts any stay of the sentence that it imposed.
4. The act automatically terminates a bond when the court admits a defendant to a probation program for certain people charged with certain violations involving (a) armor piercing and incendiary ammunition, (b) large capacity magazines, and (c) long gun sales and transfers.

## CRIMES AND PENALTIES

### ***Alcohol Possession By Minors***

Prior law prohibited someone who owns or controls private property from failing to make reasonable efforts to prevent a minor (person under age 21) from illegally possessing alcohol. [PA 14-144](#) requires the person to know that the minor possesses alcohol on the property

before being required to make the reasonable efforts to halt possession. This crime is a class A misdemeanor.

EFFECTIVE DATE: Upon passage

### ***Assault Resulting in Loss of Consciousness***

[PA 14-220](#) expands the crime of 2<sup>nd</sup> degree assault to specifically punish someone who intends to cause serious injury and, without provocation, strikes a person in the head rendering him or her unconscious. The act makes anyone who commits this crime ineligible for AR.

By law, 2<sup>nd</sup> degree assault is a class D felony.

### ***Bad Checks***

The penalty for knowingly issuing bad checks depends on the value of the checks issued. [PA 14-233](#), § 6, doubles the monetary thresholds for the different penalties, thereby reducing the penalty in some cases. For example, under prior law, writing a \$1,500 bad check was a class D felony but under the act it is a class A misdemeanor (see Table 2).

Table 2: Penalties for Issuing a Bad Check

<i>Penalty</i>	<i>Amount of Bad Checks Issued</i>	
	<i>Prior Law</i>	<i>Under the Act</i>
Class D felony	Over \$1,000	Over \$2,000
Class A misdemeanor	\$500.01 to \$1,000	\$1,000.01 to \$2,000
Class B misdemeanor	\$250.01 to \$500	\$500.01 to \$1000
Class C misdemeanor	\$250 or less	\$500 or less

### ***Certificate of Title for Vessels***

[PA 14-63](#) creates a certificate of title system for certain vessels used principally on Connecticut waters. It generally requires owners to apply to the Department of Motor Vehicles (DMV) for a certificate, which provides evidence of ownership. The act punishes, with one to five years in prison, a fine of \$500 to \$1,000, or both, anyone who commits certain fraudulent acts regarding a certificate such as forging one or making material false statements in a certificate application.

It also punishes, with up to two years in prison, a fine of up to \$1,000, or both, anyone who fraudulently permits someone to use a certificate, willfully fails to meet certain deadlines under the act, or violates any of the act's other provisions.

EFFECTIVE DATE: January 1, 2016

### ***Child Pornography***

[PA 14-192](#) specifically subjects visual depictions of child pornography generated by digital means to criminal penalties. The act also expands the range of visual depictions that constitute child pornography crimes by adding certain visual depictions based on the number of victims, illicit acts, or frames.

### ***Criminal Impersonation of a State Marshal***

[PA 14-86](#) expands the crime of criminal impersonation to include pretending to be a state marshal to (1)

obtain a benefit or (2) induce someone to submit to the pretended authority or act in reliance on the pretense. By law, criminal impersonation is a class A misdemeanor.

### ***Failing to Pay Public Bus Fares***

[PA 14-199](#) reduces the penalty for intentionally obtaining service without payment on a state-owned and -controlled bus to an infraction, for which the penalty is a fine payable by mail. Previously, it was a form of larceny. Theft of a service valued at \$500 or less is 6<sup>th</sup> degree larceny, a class C misdemeanor.

### ***Fines for Harming a Vulnerable User of a Public Way***

[PA 14-31](#) creates a separate violation for a motorist travelling on a public way who fails to exercise reasonable care and seriously injures or causes the death of a vulnerable user (e.g., pedestrian, highway worker, or cyclist). Any motorist charged with such a violation must be fined up to \$1,000. Depending on the circumstances, such conduct also subjects drivers to penalties under existing criminal laws.

### ***Fraudulent Use of an ATM***

[PA 14-233](#), § 5, increases, from a class C to class A misdemeanor, the penalty for fraudulently using an ATM. By law, a person commits this crime by knowingly using an ATM in a fraudulent way to obtain property, with intent to deprive someone of property or appropriate it to someone.

### ***Improperly Serving Process as an Indifferent Person***

[PA 14-86](#) makes it a class A misdemeanor for an “indifferent person” (someone other than a state marshal, constable, or other proper officer) to serve process knowing that he or she is not authorized to do so. By law, an indifferent person may serve process in a civil action under limited circumstances.

### ***Internet Sweepstakes Cafes***

[PA 14-217](#), §§ 201-203, makes it a class A misdemeanor to conduct or promote a sweepstakes or promotional drawing that (1) is not related to the bona fide sale of goods, services, or property or (2) uses a simulated gambling device. Such operations are often referred to as “Internet sweepstakes cafes,” which are storefronts that sell products (e.g., phone cards or Internet time) that provide entries into a sweepstakes game that may yield cash prizes.

The act makes simulated gambling devices related to an illegal sweepstakes or a promotional drawing a “common nuisance,” allows peace officers to seize them, and subjects the premises and the people affiliated with them to existing gambling premises law.

EFFECTIVE DATE: July 1, 2014

### ***Scrap Metal Sold on Behalf of Municipalities***

[PA 14-83](#) prohibits scrap metal processors, junk dealers, or junkyard owners or operators from purchasing or receiving property they suspect is municipal property, unless they receive a letter authorizing the transaction and pay the municipal official designated in the letter.

The act extends the following penalties under existing law for violating scrap metal sales laws to processors, dealers, or owners who violate the act's requirements: (1) class C misdemeanor for a first offense, (2) class B misdemeanor for a second offense, and (3) class A misdemeanor for a third or subsequent offense.

### ***Seeds***

[PA 14-223](#) changes Connecticut's law governing agricultural and vegetable seeds in a number of ways. Among other things, it applies the law to flower, tree, and shrub seeds; updates and expands labeling requirements to account for current technology and terminology; and increases the penalty for violating the seed law from a fine to a class D misdemeanor with a specified fine.

### ***Stolen Valor***

[PA 14-56](#) limits the crime of falsely representing oneself as having a military medal to cases in which a person does so with the intent to fraudulently obtain money, property, or

other tangible benefits. The penalty for this crime is up to six months in prison, a fine of \$500 to \$1,000, or both.

### ***Time Limit for Certain Prosecutions***

[PA 14-185](#) eliminates the statute of limitations for prosecuting someone for a motor vehicle violation or crime when the (1) violation or offense resulted in another's death and (2) person evaded responsibility in an accident involving serious physical injury or death.

Under the circumstances covered by the act, an offender may be charged with a number of crimes and the act eliminates the statute of limitations that would ordinarily apply to these crimes.

## **DOMESTIC VIOLENCE**

### ***Civil Protection Orders For Sexual Abuse, Sexual Assault, or Stalking Victims***

[PA 14-217](#), §§ 186-190, allows the Superior Court to issue civil protection orders to an applicant who (1) is a victim of sexual abuse, sexual assault, or 1<sup>st</sup>, 2<sup>nd</sup>, or 3<sup>rd</sup> degree stalking; (2) has not obtained any other court protection order arising out of the abuse, assault, or stalking; and (3) does not qualify for relief under a civil restraining order, which is limited to family and household members. It establishes application and court procedures similar to those for other types of protective orders.

Among other things, it makes criminal violation of a civil protection order a class D felony and makes it 1<sup>st</sup> degree criminal trespass for a person, without permission or privilege to do so, to enter or remain in a building or any other premises in violation of a civil protection order. By law, 1<sup>st</sup> degree criminal trespass is a class A misdemeanor.

EFFECTIVE DATE: January 1, 2015

### ***Civil Restraining Orders – Financial Orders***

[PA 14-217](#), §§ 120-129, broadens the measures that the court, under certain circumstances, may include in a civil restraining order (which are civil orders available to family and household members who are victims of certain types of abuse or threats). The order may, for example, prohibit the respondent from taking any action that could result in shutting off necessary utility services. It may also require the respondent to (1) make rent or mortgage payments on the family home; (2) maintain health, automobile, or homeowners insurance coverage; or (3) provide financial support for dependent children, if the respondent has a legal duty to support them and the ability to pay.

EFFECTIVE DATE: January 1, 2015

### ***Criminal History Records – Family Violence Crimes***

[PA 14-234](#), § 1, adds 2<sup>nd</sup> degree breach of peace to the criminal violations that, when committed against

a family or household member, the court must specify as a family violence crime in the person's criminal records. By law, such designation must be included in the criminal records of persons convicted of crimes such as stalking, harassment, assault, sexual assault, disorderly conduct, and violations of restraining and protective orders.

### ***Criminal Violation of a Protective Order Issued as Part of Probation***

[PA 14-173](#) expands the crime of criminal violation of a protective order to include violating a protective order issued by a court when sentencing a person to probation. This crime is a class D felony.

### ***Family Violence Victim Advocates***

[PA 14-217](#), § 191, requires the chief court administrator to allow one or more family violence victim advocates to provide services to domestic violence victims in the Superior Court's family division in one or more judicial districts in the state. Under the act, these advocates (1) are employed by and under the control of a direct service supervisor of a domestic violence agency, (2) have undergone certain training, (3) are certified as counselors by the domestic violence agency that provided the training, and (4) primarily render advice and assistance to domestic violence victims.

EFFECTIVE DATE: January 1, 2015

### ***Increased Penalty for Violating Certain Orders***

[PA 14-217](#), §§ 122-128, increases the penalty for criminal violation of a protective order, standing criminal protective order, or civil restraining order under certain circumstances. Previously, all such violations were class D felonies. Under the act, violations become class C felonies when the violator (1) imposes any restraint on the person's liberty or (2) threatens, harasses, assaults, molests, sexually assaults, or attacks a person.

EFFECTIVE DATE: January 1, 2015

### ***Judicial Branch Training***

[PA 14-234](#), § 10, expands the Judicial Branch's training program for judges, staff, and guardians ad litem. It requires the department, in establishing ongoing training, to work in consultation with an organization that advocates on behalf of victims of domestic violence. Under the act, the training program for judges must include training on the unique social and emotional characteristics of family violence crimes.

### ***Persistent Offenders***

[PA 14-147](#) subjects a standing criminal protective order violator to an enhanced penalty for persistent offenders if, in addition to violating the order, he or she has a prior conviction of certain crimes (these can include most class A, B, and C felonies or certain other crimes). It also adds criminal violation of a standing criminal protective order to the list of prior

convictions that can subject someone to the enhanced persistent offender penalty.

EFFECTIVE DATE: October 1, 2014, and applicable to convictions entered on and after that date.

### ***Restraining Order Service Task Force***

[PA 14-217](#), § 121, establishes a 16-member task force to study service of restraining orders pertaining to family and household members. The study must examine a number of items, including the (1) policies, procedures, and regulations relating to state marshals serving restraining orders; (2) information available to state marshals about respondents; (3) rates for their services; (4) practices in other states; and (5) the feasibility of expanding who can serve restraining orders.

The task force must report its findings and recommendations to the Judiciary Committee by December 15, 2014.

EFFECTIVE DATE: Upon passage

### ***Sexual Assault in Spousal or Cohabiting Relationships***

[PA 14-234](#), § 9, requires the court to impose a mandatory minimum two-year sentence for sexual assault in a spousal or cohabiting relationship. By law, this crime is a class B felony.

### ***Shelters***

[PA 14-234](#), § 11, makes it a class A misdemeanor to maliciously publish, disseminate, or otherwise disclose the

confidential location of an emergency shelter operated by a domestic violence agency, without written authorization from the agency that operates the shelter.

### ***Standing Criminal Protective Orders—Non-Family and Non-Household Members***

[PA 14-234](#), § 8, expands the circumstances under which the court may issue a standing criminal protective order to include situations involving certain violations against someone who is not a family or household member.

EFFECTIVE DATE: January 1, 2015

## **DRUGS**

### ***Immunity for Administering Opioid Antagonists***

[PA 14-61](#) authorizes anyone to administer an opioid antagonist (such as Narcan) to a person he or she believes, in good faith, is experiencing an opioid-related drug overdose. The act gives civil and criminal immunity to such a person who acts with reasonable care in administering the opioid antagonist, unless he or she is a licensed health care professional acting in the ordinary course of employment.

### ***Pharmacies***

[PA 14-224](#) makes several changes in the state's pharmacy laws. Generally, it gives the Department of Consumer Protection (DCP) more oversight over sterile compounding pharmacies and requires these pharmacies to comply with the latest relevant pharmacopeia

standards. It bans the sale and delivery of certain counterfeit substances not already covered by existing law and grants DCP additional investigatory and enforcement authority. It also broadens the categories of nonresident pharmacies that must register in Connecticut and comply with pharmacy reporting requirements. Finally, the new law establishes procedures for prescribing practitioners and pharmacists when dispensing drugs that cannot be substituted with a generic version.

EFFECTIVE DATE: July 1, 2014

## **INFORMATION DISCLOSURE**

### ***Department of Children and Families (DCF) Disclosures***

[PA 14-186](#) expands the circumstances in which DCF must disclose the names and records of certain individuals to specific entities to include situations in which a person is being investigated and prosecuted for falsely reporting child abuse and neglect. The act also requires DCF to disclose information to help the Judicial Branch track juvenile offender recidivism.

[PA 14-173](#) requires DCF to disclose certain information to CSSD to help it determine and provide appropriate supervision and treatment for a child or youth. The disclosures relate to records of DCF's child protection activities or other activities related to children in DCF's care and custody, including information in the abuse and neglect registry. But the act limits disclosure to

information identifying the child or youth or an immediate family member as being or having been (1) committed to DCF custody as a delinquent, (2) under DCF supervision, or (3) enrolled in DCF voluntary services.

### ***Disclosures to Probate Court Judges and Employees***

[PA 14-104](#) and [PA 14-173](#) expand the circumstances in which probate court judges and employees may access confidential juvenile records to allow access when necessary to do their work and specifies the records may also be disclosed if the law requires it.

### ***Probation Officers' Personal Information***

[PA 14-34](#) exempts from disclosure under the Freedom of Information Act personal information about current and former probation officers employed by the Judicial Branch to people under (1) Department of Correction (DOC) custody or supervision for violating probation or (2) Court Support Services Division (CSSD) supervision. The act applies to personal information not related to the officer's duties or employment, including his or her (1) date of birth; (2) Social Security number; (3) current and former e-mail addresses, telephone numbers, and home addresses; (4) photographs; and (5) driver's license information.

EFFECTIVE DATE: July 1, 2014



## ***Sentencing–Related Documents***

[PA 14-173](#) gives DOC and certain Division of Criminal Justice employees access to information in alternative sentencing or community release plans, which probation officers complete for certain offenders.

## **JUVENILE JUSTICE**

### ***Database of Orders to Take Children into Custody***

[PA 14-173](#) allows the Judicial Branch to enter into a central computer system any order or process to take a child into custody. It allows a child to be taken into custody based on an order in the system and certain disclosures of information about children subject to an order.

### ***Family Violence Mediation Pilot Program***

[PA 14-217](#), § 85, requires the Judicial Branch, within available appropriations, to establish a family violence mediation pilot program on the juvenile docket in two judicial districts for children who commit delinquent acts of family violence. Mediation services may be provided by private agencies under contract with CSSD.

By July 1, 2015, CSSD must, within available appropriations, evaluate the program and the feasibility of expanding it to other districts. By July 15, 2015, the executive director must report on

the evaluation to the Judiciary Committee and the Juvenile Justice Policy and Oversight Committee.

EFFECTIVE DATE: July 1, 2014

### ***Juvenile Justice Policy And Oversight Committee***

[PA 14-217](#), § 79, establishes this 35-member committee to evaluate (1) juvenile justice system policies and (2) the expansion of juvenile jurisdiction to include 16- and 17-year-olds. The committee must submit specific reports to various legislative committees and the Office of Policy and Management (OPM) by January 1, 2015, July 1, 2015, and quarterly from then until January 1, 2017. Each report must include specific recommendations to improve outcomes and a timeline for achieving specific tasks or outcomes.

The committee must (1) complete its duties after consulting with one or more organizations that focus on relevant children and youths issues, such as the University of New Haven and any of the university's institutes and (2) work in collaboration with any Results First initiative implemented under law.

EFFECTIVE DATE: Upon passage

## **LAW ENFORCEMENT AND EMERGENCY RESPONDERS**

### ***Certification Based on Military Qualifications***

[PA 14-65](#) and [PA 14-131](#) require various government entities to certify, waive, grant, or award certain licenses, registrations, examinations, training, or credit for veterans or armed forces or

National Guard members (service members) with military experience or qualifications similar to those otherwise required. Among other things, for qualified service members, the acts require the:

1. Police Officer Standards and Training Council (POST) to certify them as police officers,
2. Department of Emergency Services and Public Protection (DESPP) to waive security guard training, and
3. Department of Public Health (DPH) to certify them as emergency medical technicians.

The acts also require, by January 1, 2015, these government entities to ask applicants for a license, certificate, registration, or educational credit whether they are service members when the information is relevant to the credential or credit.

EFFECTIVE DATE: October 1, 2014, but some provisions are effective sooner.

### ***Complaints of Police Misconduct***

[PA 14-166](#) requires POST to develop and implement a written policy, by July 1, 2015, for the State Police and municipal police departments on accepting, processing, and investigating public complaints against them alleging misconduct. The act requires POST to consider several factors in developing the policy.

Once POST implements its policy, each police department must either adopt it or develop and implement its own policy, in consultation with a representative of the union that represents the agency's members. A policy developed by a police department must (1) address the issues that POST must consider in developing its policy and (2) exceed the standards of POST's policy.

EFFECTIVE DATE: July 1, 2014

### ***Emergency Medical Services***

[PA 14-217](#), §§ 19-22, makes several changes concerning emergency medical services (EMS) and primary service area responders (PSARs). It requires municipalities to update their local EMS plans as they determine necessary. It requires DPH, at least every five years, to review local EMS plans and PSARs' provision of services under them and then rate the responders' performance. A "failing" rating has various consequences, including possible removal as PSAR if the responder fails to improve.

The act makes changes to the process for municipalities to petition for a PSAR's removal, including defining what constitutes a "performance crisis" or "unsatisfactory performance" for this purpose. It requires municipalities seeking a change in their PSARs for specified reasons to submit to DPH alternative local EMS plans and the names of recommended replacements.

It also requires a PSAR to notify DPH before selling its ownership interest or assets, and requires the buyer to obtain DPH approval.

EFFECTIVE DATE: October 1, 2014, except the provisions on PSAR sales and buyer approval are effective upon passage.

### ***Eyewitness Identification Task Force Extension***

[PA 14-233](#) allows this task force to continue until June 30, 2016 to (1) collect statistics about eyewitness identification procedures conducted by law enforcement agencies, (2) collect and help archive eyewitness identification procedures used by law enforcement agencies in Connecticut, and (3) consider best practices adopted by agencies in other states.

EFFECTIVE DATE: Upon passage

### ***Forfeiture of Crime-Related Property and Local Police***

[PA 14-233](#) makes a number of changes in the forfeiture procedures for property connected to criminal offenses other than certain drug crimes and allows forfeiture of proceeds of these crimes. It also alters the distribution of seized money during a 21-month period. Until October 1, 2014, all money is deposited in the General Fund. From that date until June 30, 2016, the act requires:

1. 70% of money seized in a criminal investigation to go to the law enforcement agency that investigated the crime and seized

the funds, with local police departments using their receipts for law enforcement activities and DESPP depositing its receipts in the General Fund;

2. 20% of the money to go to the Criminal Injuries Compensation Fund (which provides compensation and restitution to crime victims); and
3. 10% to go to the Division of Criminal Justice, for deposit in the General Fund.

Beginning July 1, 2016, the act again requires depositing all seized money directly in the General Fund.

The act also expands forfeiture provisions for sexual exploitation and human trafficking crimes to cover more property.

### ***Mutual Consolidation of Dispatch Facilities***

[PA 14-179](#) allows municipalities that enter into interlocal agreements to consolidate dispatch services to establish a governing board. Under existing law, unchanged by the act, they may already establish advisory boards when they enter into such agreements.

### ***Police Officer Training on Serious Mental Illness***

[PA 14-217](#), § 46, requires police basic and review training programs conducted by the State Police, POST, or municipal police departments to include a course on handling incidents involving people affected with a serious mental illness.

### ***Police Taser Use Policy***

[PA 14-149](#) requires POST, by January 1, 2015, to develop and promulgate a model policy that provides guidelines on police use of electronic defense weapons. It requires the State Police and local police departments that authorize police officers to use such weapons to (1) adopt and maintain a written policy, by January 31, 2015, that meets or exceeds the model policy and (2) require officers to document their use of the weapons. It requires departments that authorize the use of the weapons to report specified data on their use to OPM annually, and OPM to post the data on its web site. Agencies that do not authorize the use of the weapons must also inform OPM annually of their policy.

EFFECTIVE DATE: October 1, 2014 for POST to develop its policy and standardized reporting form; January 1, 2015 for the remaining provisions.

### ***Probation Officers Serving Violation of Probation Warrants***

[PA 14-233](#) gives probation officers serving violation of probation warrants the same responsibilities as police officers when arresting someone under a warrant, including allowing them to release someone arrested on a violation of probation warrant.

### ***Purchasing Body Armor***

[PA 14-207](#), § 7, allows an authorized Judicial Branch official to purchase body armor on behalf of a judicial marshal without meeting with

the seller in person. By law, only specified law enforcement and military officials may purchase body armor without meeting the seller in person, including authorized Judicial Branch officials who purchase body armor on behalf of probation officers.

### ***Reporting Requirements When Arresting Certain Drivers***

[PA 14-130](#), § 9, requires police to report to DMV, within 48 hours, the arrest on (1) felony charges or (2) a charge of 4<sup>th</sup> degree sexual assault, anyone whose driver's license permits him or her to transport members of the public (e.g., bus driver, taxi driver, or livery service driver). Prior law required police to report such an arrest only for drivers who transport school children.

EFFECTIVE DATE: Upon passage

### ***Required Searches of the Stolen Vehicle Databases***

[PA 14-130](#), § 21, requires police, within 48 hours of being notified that a vehicle has been towed from private property, to enter the information into national and state databases to learn if the vehicle was reported stolen.

EFFECTIVE DATE: July 1, 2014

### ***Retired Police as School Security Guards***

[PA 14-217](#), § 254, allows a municipality or board of education to hire or contract with two additional categories of retired police officers to provide armed school security services. It does so by expanding the definition of

“retired police officer” to include individuals who retired or separated in good standing from their departments and are sworn:

1. federal law enforcement agents who meet or exceed POST’s certification standards or
2. officers from an organized out-of-state police department who were certified under standards that meet or exceed POST’s certification standards.

In both cases, the individuals must also be “qualified retired law enforcement officers” as defined in the federal Law Enforcement Officers Safety Act (LEOSA).

By law, to be eligible to provide armed school security services, the retired officers must also complete annual (1) public school security personnel training provided by POST and (2) firearms training that meets or exceeds POST or LEOSA standards, provided by a certified firearms instructor.

EFFECTIVE DATE: July 1, 2014

### ***UConn and UConn Health Center Police***

[PA 14-217](#), § 221, makes members of the UConn and UConn Health Center Police Departments unclassified, instead of classified, state employees. Unlike classified state employees positions, unclassified positions are not subject to things such as (1) Department of Administrative Services-administered civil service examinations for hiring and promotions and (2) OPM certification for

creating new positions or filling vacancies. The act makes a number of related changes, including requiring UConn's president to establish classifications and examinations.

EFFECTIVE DATE: Upon passage

### ***Warrants to Use GPS Devices and to Obtain Records or Data***

In 2012, the U.S. Supreme Court ruled that installing a GPS device on a car as part of a criminal investigation is a search under the U.S. Constitution’s Fourth Amendment. Thus, in most circumstances, police must obtain a warrant from a judge to install such devices (*U.S. v. Jones*, 132 S.Ct. 945 (2012)).

[PA 14-233](#), §§ 9-10, creates a procedure for a judge to issue a warrant to authorize police to install an electronic or mechanical device on a person or object to track the person’s or object’s movements. To issue the warrant, the judge must find probable cause to believe that (1) a criminal offense has been, is being, or will be committed and (2) using a tracking device will yield evidence of the offense. The warrant can authorize the device’s use and data collection for a reasonable period of up to 30 days after installation. (A judge can extend this period for 30 more days on request for good cause.)

The act also allows a judge to issue a warrant for records or data of an out-of-state corporation or business entity that does business in Connecticut (including entities that provide email or

remote computing services to the public). For other requests for records or data, the act specifies that existing laws regarding warrants to obtain property apply.

## **SCHOOLS**

### ***Competitive School Security Grant Program***

This program reimburses towns for certain expenses they incur to improve their school security infrastructure. [PA 14-98](#) expands the program and increases its bond authorization from \$15 million to \$37 million. The act expands the program, beginning in FY 15, to include Regional Educational Service Centers, state charter schools, technical high schools, private schools, and endowed academies (Gilbert School, Norwich Free Academy, and Woodstock Academy).

The act also expands the security infrastructure eligible for reimbursement to include additional types of communications and multimedia sharing infrastructure.

EFFECTIVE DATE: Upon passage, except for the bond authorization, which is effective July 1, 2014.

### ***Safe School Climate Plans***

[PA 14-232](#) requires the State Department of Education (SDE) to approve or reject a local or regional board of education's safe school climate plan within 30 days of receiving it and, in the event it is rejected, creates specific follow-up steps for both SDE and the board. Under the act, only

boards that have not previously had plans approved must submit them.

It also (1) adds specific requirements to safe school climate surveys and (2) requires DESPP to conduct a feasibility study for a student safety hotline.

By law, each board of education must submit a safe school climate plan to SDE. The plan must (1) address bullying, (2) allow parents and students to file complaints and require complaint investigations, (3) develop a prevention and intervention strategy, and (4) take numerous other steps related to bullying and bullying prevention.

EFFECTIVE DATE: Upon passage

### ***Sexual Assault and Violence on Campus***

Existing law requires public and independent higher education institutions to adopt and disclose one or more policies on sexual assault and intimate partner violence. Institutions must also offer sexual assault and intimate partner violence primary prevention and awareness programming and campaigns.

[PA 14-11](#) and [PA 14-217](#), §§ 163-164, expand the scope of these policies and programs by requiring (1) for-profit institutions licensed to operate in Connecticut to comply with them and (2) the policies and programs to address (a) stalking and (b) conduct aimed at the institutions' employees. These acts require all institutions (public, independent, and for-profit), after a reported incident, to

immediately provide concise written notification to each victim of his or her rights and options under the institution's policy or policies.

These acts also require all higher education institutions to:

1. report annually to the Higher Education and Employment Advancement Committee on their policies, prevention and awareness programming, and campaigns, and the number of incidents and disciplinary cases involving sexual assault, stalking, and intimate partner violence;
2. establish a campus resource team to review their policies and recommend protocols for providing support and services to students and employees who report being victims; and
3. enter into a memorandum of understanding with at least one community-based sexual assault crisis service center and one community-based domestic violence agency.

EFFECTIVE DATE: July 1, 2014

### ***Statewide Sexual Abuse and Assault Awareness Program***

[PA 14-196](#) requires, by July 1, 2015, DCF, together with SDE and Connecticut Sexual Assault Crisis Services, Inc., or a similar organization, to identify or develop a statewide sexual abuse and assault awareness and prevention program for use by regional

and local school boards. The school boards must implement the program by October 1, 2015.

EFFECTIVE DATE: July 1, 2014

### ***Teen Dating Violence***

[PA 14-234](#), §§ 3-7, requires safe school climate plans to address teen dating violence in schools. The plans must include a prevention and intervention strategy for school employees to deal with teen dating violence. The act requires SDE to provide teen dating violence prevention, identification, and response training to any school employee who (1) does not hold educator certification or (2) is a district safe school climate coordinator, safe school climate specialist, or safe school climate committee member. Among other things, the act grants civil immunity to certain individuals and groups regarding reporting, investigating, and responding to teen dating violence and implementing the safe school climate plan.

### **SEX OFFENDERS**

#### ***Notices about Registered Sex Offenders***

[PA 14-192](#) and [PA 14-213](#) require DESPP to notify a municipal chief executive officer (CEO) when someone required to register as a sex offender is released into the community and resides or plans to reside in the CEO's municipality. DESPP must email this notice and provide the CEO with the

same registry information that DESPP will post publicly on the Internet about the registrant.

[PA 14-213](#) also requires DESPP to notify the CEO and superintendent of the school district where the registrant resides or plans to reside when a registered sex offender notifies DESPP of an address change. DESPP must provide the same email notice and information described above. By law, DESPP already provides this notice and information to school superintendents when registered sex offenders are released into the community.

EFFECTIVE DATE: July 1, 2014

### ***Senior Safety Zones Task Force***

[SA 14-20](#) creates a 10-member task force to study the establishment of senior safety zones to protect seniors from interaction with registered sex offenders. The task force must examine (1) national best practices for protecting seniors from such interaction in their homes and at senior centers and long-term nursing facilities, (2) legal considerations related to identifying convicted sex offenders and preventing them from entering public facilities where seniors live or congregate, (3) data on the percentage of sex offenders whose victims are seniors, and (4) the most effective ways of identifying and limiting the movement of sex offenders without affecting their constitutional rights.

The act requires the task force to report its findings and recommendations by January 1, 2015, to the Aging and Judiciary committees.

EFFECTIVE DATE: Upon passage

### **OTHER**

#### ***Certificates of Rehabilitation***

By law, the Board of Pardons and Paroles may issue a provisional pardon to an eligible offender to relieve him or her of certain barriers to employment or obtaining a credential, such as an occupational license, resulting from a criminal conviction.

[PA 14-27](#) allows the board or CSSD to issue certificates of rehabilitation for the same reasons, but CSSD may only issue them to offenders under its supervision. Among other things, the act:

1. requires the board and CSSD to generally follow the same procedures and use the same criteria to issue a certificate as the board does for a provisional pardon;
2. provides that a provisional pardon or certificate shows presumed rehabilitation when the state or a state agency is considering a prior conviction to determine eligibility for employment or a credential;



3. as with people who hold provisional pardons, prohibits public and private employers from denying employment to an applicant or discharging or discriminating against an employee based solely on a conviction for which the person received a certificate; and
4. limits the admissibility of an applicant's or employee's prior conviction in negligence actions against an employer under certain circumstances when the person has a provisional pardon or certificate.

### **Evidence Code**

[PA 14-120](#) authorizes the Supreme Court to adopt a Connecticut Code of Evidence. If the court does so, the chief justice must appoint a standing advisory committee of judges and Connecticut-licensed attorneys to study the code's provisions, the development of evidence law, and recommend proposed amendments to the Supreme Court.

The committee may hold public hearings and the chairperson, who is appointed by the chief justice, must annually report to the Judiciary Committee on its activities and any proposed code changes. The first report is due by January 1, 2015.

The act does not limit the Supreme Court's common law authority or the General Assembly's legislative authority over evidence law.

EFFECTIVE DATE: Upon passage

### **Ignition Interlock Devices (IID)**

[PA 14-228](#) makes a number of changes affecting driving under the influence, drivers' license suspensions, and IID requirements. It reduces the various license suspension periods for administrative per se violations to 45 days, but imposes ignition interlock requirements after the suspension ends. The IID requirement ranges from six months to three years, depending on certain factors (such as whether it is a first or subsequent suspension).

Among other things, the act also (1) eliminates the 90-day waiting period for a special operator's permit for a first administrative per se violation of refusing to submit to a blood alcohol content test and (2) potentially extends the required license suspension period for someone who fails to use an IID as required.

EFFECTIVE DATE: July 1, 2015

### **Juvenile Parole, DOC, and Family Therapy Program Evaluations**

[PA 14-217](#), § 84, requires Central Connecticut State University's Institute for Municipal and Regional Policy (IMRP), by May 31, 2015, to (1) assess the effectiveness of juvenile parole services programs DCF administers for people in its custody and (2) in consultation with DCF, recommend changes that may improve the programs' cost-effectiveness.

[PA 14-217](#), §§ 80-82, transfers \$330,000 among DOC accounts to be used for training, quality assurance, and evaluation of programs to support

community reentry and community programs. IMRP may include the quality assurance findings and program evaluation data in the Results First Initiative project (discussed below).

The act also requires the DOC commissioner, by May 31, 2015, to (1) assess the effectiveness of DOC's (a) vocational education programs and (b) Medication Assisted Therapy pilot project for people in DOC custody and (2) determine whether any program changes may be implemented to improve the cost-effectiveness of the programs or the project.

[PA 14-217](#), § 83, requires IMRP, by May 31, 2015, to (1) assess the effectiveness of the multidimensional family therapy program administered by DCF for persons committed to both DCF and CSSD custody and (2) in consultation with DCF and CSSD, recommend changes to improve the program's cost-effectiveness.

The assessments described above must consider findings from the Pew-MacArthur Results First Initiative's cost-benefit analysis model regarding these programs. The Results First Initiative works with states to implement a cost-benefit analysis approach that helps them invest in effective policies and programs.

EFFECTIVE DATE: Upon passage, except DOC fund transfer is effective July 1, 2014.

### ***Mandated Reporters***

[PA 14-186](#) expands the mandated reporter list to include any paid youth camp director or assistant director and anyone age 18 or older who is a paid (1) youth athletics coach or director; (2) coach or director of a private youth sports organization, league, or team; or (3) administrator, faculty, or staff member, athletic coach, director, or trainer employed by a public or private higher education institution, excluding student employees. By law, mandated reporters must notify DCF when, during the ordinary course of their employment or profession, they have reasonable cause to suspect or believe a child has been abused or neglected.

### ***Pre-Arrest Assessment***

Existing law requires DMHAS, to the maximum extent possible within available appropriations, to clinically assess certain people charged with misdemeanors, before they are arraigned. [PA 14-138](#), § 4, conforms law to agency practice by also requiring such assessments for people charged with felonies.

As under existing law, DMHAS must conduct such assessments only if the person (1) consents to the assessment and (2) previously received, or would reasonably benefit from receiving, DMHAS mental health services or substance abuse treatment. The assessment determines whether the person should be referred to community-based mental health services. If DMHAS determines that the

person needs services and he or she accepts them, the department must inform the court of the assessment and recommended a treatment plan for its consideration in disposing of the case.

For both felony and misdemeanor arrests, the act allows DMHAS to disclose, to the person conducting the assessment, whether the arrested person has received DMHAS services.

### ***Trafficking Victims***

[PA 14-186](#) expands the actions DCF can take to help children it identifies or believes are victims of trafficking to include (1) providing services, (2) forming multidisciplinary teams to review trafficking cases, and (3) providing training to law enforcement officers about trafficking. It also expands the category of children or youths a court may find to be “uncared for” to include child-trafficking victims.

### ***Wrongful Conviction Commission Eliminated***

[PA 14-207](#), § 17, eliminates the Wrongful Conviction Advisory Commission, which prior law authorized to investigate and determine the cause of wrongful convictions.

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