

# Connecticut Public Defenders



*The Leading Force for Equal Justice*

## *2014 Legislative Summary*



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## 2014 SUBJECT INDEX

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*Division of Public Defender Services  
Office of Chief Public Defender*

**October 1, 2014  
Summary of 2014 Public Acts**

*The following is a summary of the public acts adopted during the 2014 Legislative Session pertaining to criminal proceedings, juvenile delinquency and child protection. All acts are effective October 1, 2014 unless otherwise noted.*

Contact Deborah Del Prete Sullivan, Legal Counsel, Director, with questions at (860) 509-6405 or email at [deborah.d.sullivan@jud.ct.gov](mailto:deborah.d.sullivan@jud.ct.gov).

**ABUSE AND NEGLECT**

- **Public Act No. 14-70**                    **AN ACT CONCERNING CROSS REPORTING OF CHILD ABUSE AND ANIMAL CRUELTY**

**Section 1**                                    **Written report time frame**

This section amends C.G.S. §22-329b, *Reporting of neglected or cruelly treated animals*, clarifies the time frame within which an animal control officer must make a written report if he/she suspects animal cruelty in that it must be made not later than 48 hours after the officer has reasonable cause to suspect the animal cruelty.

**Section 2**                                    **DCF cross reporting/investigation**

This section amends C.G.S. §17a-106d, *Report of neglected or cruelly treated animals part of record in child abuse or neglect investigation*, to require the Commissioner of DCF to review an animal control officer report regarding animal cruelty and determine whether the address is one at which DCF has an open protective service case. If so, all relevant information will be provided to the DCF social worker involved in the child or youth's case.

**Section 3**                                    **DCF written report of animal cruelty**

This section amends subsection (a) of C.G.S. §17a-100a, *Reporting of neglected or cruelly treated animals. Training program*, to require that DCF employees make a "written" report to the Commissioner of Agriculture whenever the DCF employee in the course of their employment has reasonable cause to believe that an animal has been "harmed, neglected or treated cruelly". Current law requires this report to be made orally.

## Section 4

## Report to General Assembly

This section requires the Commissioners of Agriculture and Children and Families report the number of written reports made to the Children's Committee.

- **Public Act No. 14-165**      **AN ACT CONCERNING MANDATORY REPORTING OF ABUSE AND NEGLECT OF INDIVIDUALS WITH AUTISM SPECTRUM DISORDER, THE DEFINITION OF ABUSE, AND THE DEPARTMENT OF DEVELOPMENTAL SERVICES ABUSE AND NEGLECT REGISTRY.**

### Section 1

### Expanded definition of abuse

This section amends *C.G.S. §17a-247a, Registry of former employees of department or other service providers terminated because of substantiated acts of abuse or neglect. Definitions*, to expand the definition of "abuse" for purposes of the abuse and neglect registry maintained by the Department of Developmental Services (DSS) in regard to previous employees or persons or entities licensed or funded by DSS. In addition to the current definition, the act includes "financial exploitation, psychological abuse or verbal abuse" and sexual abuse within the "abuse" definition.

In addition, new definitions are added as follows:

*Financial exploitation – "the theft, misappropriation or unauthorized or improper use of property, money or other resource that is intended to be used by or for an individual who receives services or funding from the department."*

*Psychological abuse – "an act intended to (A) humiliate, intimidate, degrade or demean an individual who receives services or funding from the department, (B) inflict emotional harm or invoke fear in such individual, or (C) otherwise negatively impact the mental health of such individual."*

*Sexual abuse - (A) any sexual contact between an individual who receives services or funding from the department, regardless of such individual's ability to consent, and an employee, or (B) the encouragement by an employee of an individual who receives services or funding from the department to engage in sexual activity.*

*Verbal abuse - the use of offensive or intimidating language that is intended to provoke or cause the distress of an individual who receives services or funding from the department.*

### Section 2

### Investigations





## ASSAULT

- **Public Act No. 14-220**      **AN ACT CONCERNING ASSAULT THAT RESULTS IN THE LOSS OF CONSCIOUSNESS**

**Section 1**                                      **Knock out game**

This section amends *C.G.S. §53a-60, Assault in the second degree: Class D felony* to include a new subsection (6) pertaining to circumstances which have been referred to as the “knock-out game”. Under this legislation, a person is guilty of an assault in the 2<sup>nd</sup> degree, a class D felony, if he/she, “with intent to cause serious physical injury to another person by rendering such other person unconscious, and without provocation by such other person, he causes such injury to such other person by striking such other person on the head.”

**Section 2**                                      **Ineligible for accelerated rehabilitation**

Section 2 of this Public Act amends subsection (c) of *C.G.S. §54-56e, Accelerated pretrial rehabilitation*, to deny eligibility to any person charged with violating the new subsection (6) of *C.G.S. §53a-60, Assault in the second degree: Class D felony*, as amended. As a result, any person so charged with what is referred to as the “knock-out game” is ineligible to apply for Accelerated Rehabilitation.

## BAIL BOND

- **Public Act No. 14-184**      **AN ACT CONCERNING BAIL BONDS**

**Section 1**                                      **Person absconds and surety release from bond**

This section amends *C.G.S. §54-65, Vacating forfeiture of bond*, so that in situations where the principal has absconded and the court has ordered a bond forfeiture, a surety in a criminal matter may apply to be released from the bond up to 6 months after the bond forfeiture order.

**Section 2**                                      **Forfeiture of bonds \$500 or more and extension of stay**

This section amends *C.G.S. §54-65a, Forfeiture of bond for failure to appear. Issuance of rearrest warrant or capias. Termination or reinstatement of bond. Rebate to surety*, which currently authorizes a court to order a stay of execution of the forfeiture of a bond of \$500 or more for 6 months if a defendant fails to appear in court. This amendment permits the court the discretion to extend, for good cause shown, a stay of execution of the bond forfeiture, but articulates that the stay will not prevent a capias or rearrest warrant from being issued. The amendment also provides for the termination of the bond when the defendant is returned to custody if within the time period of a stay of execution and any extension.

### **Section 3**

### **Bond forfeiture and stay of execution**

This section amends and renumbers the sections of *C.G.S. §54-66, Acceptance and disposition of bail. Pledge of real property as lien. Forfeiture of bond for failure to appear. Issuance of rearrest warrant or capias. Termination or reinstatement of bond.* It also grants discretion to the court to extend, for good cause shown, a stay of execution of the bond forfeiture in situations where an amount of money or pledge of real property equal to the amount of the bond is made, although the stay will not prevent a capias or rearrest warrant from being issued.

### **Section 4**

### **Federal custody and bond forfeiture vacated**

This section amends *C.G.S §54-65c, Vacating forfeiture of bond*, which currently requires proof that a subject has been detained or incarcerated in another state, territory or country where extradition is not being sought by the state before the court is required to vacate a bond forfeiture order and release a bondsman. Under this clarifying amendment, the court is also required to vacate the bond forfeiture order if the principal is detained or incarcerated by the federal government or removed by ICE (Immigration and Customs Enforcement) upon “satisfactory” proof submitted by the bondsman of the “removal”, detention or incarceration in circumstances where the state is not pursuing extradition.

### **Section 5**

### **Automatic termination of bond for veterans granted supervised diversionary program**

This section amends *C.G.S. §54-66a, Automatic termination of bail bonds*, which articulates those circumstances under which the automatic termination of a bail bond posted in a criminal matter is required. This legislation add to this list the automatic termination of a bond if a defendant, also a veteran, has been granted admission to the supervised diversionary program for persons with psychiatric disabilities under *C.G.S. §54-56l, Pretrial supervised diversionary program for persons with psychiatric disabilities and veterans.*

**SEE ALSO:**

- Public Act No. 14-207 AN ACT CONCERNING COURT OPERATIONS

**BAD CHECKS**

**SEE:**

- Public Act No. 14-233 AN ACT CONCERNING REVISIONS TO VARIOUS STATUTES CONCERNING THE CRIMINAL JUSTICE SYSTEM

**CERTIFICATES OF REHABILITATION**

**SEE:**

- Public Act No. 14-27 AN AT CONCERNING THE RECOMMENDATIONS OF THE CONNECTICUT SENTENCING COMMISSION WITH RESPECT TO CERTIFICATES OF REHABILITATION

**CHILD PORNOGRAPHY**

**SEE:**

- Public Act No. 14-192 AN ACT CONCERNING CHILD PORNOGRAPHY AND PROVIDING NOTICE TO THE CHIEF EXECUTIVE OFFICER OF A MUNICIPALITY UPON THE RELEASE OF A REGISTERED SEXUAL OFFENDER INTO SUCH MUNICIPALITY

**CHILDREN AND YOUTH**

- Public Act No. 14-99 AN ACT CONCERNING THE DEPARTMENT OF CHILDREN AND FAMILIES AND THE EDUCATION OF CHILDREN

**Section 1 Information provided by superintendant to DCF**

This section amends C.G.S. §17a-65, *Academic progress reports. Case plan requirements. Plan re ability of facilities and school programs to meet academic and related service needs*, which currently requires DCF to track the academic progress of each child in state custody from Kindergarten through grade 12. The act adds a new subsection (e) which

requires the superintendants of school district to provide DCF, foster parents and the attorneys for any children or youth committed to the custody of DCF with a description of the “educational status and academic progress” (including, but not limited to, educational performance levels, report cards test results and discipline) similar to what is provided to parents and legal guardians of children or youth not committed to DCF.

➤ **Public Act No. 14-144**      **AN ACT CONCERNING THE POSSESSION OF  
ALCOHOLIC LIQUOR BY MINORS**

**Section 1**                      **Reasonable efforts**  
*(Effective from passage)*

This legislation amends *C.G.S. §30-89a, Permitting minor to illegally possess liquor in dwelling unit or on private property or failing to halt such illegal possession. Penalty*, to add that a person shall not fail to make reasonable efforts to stop a minor (under 21 years of age) from possessing alcohol in a dwelling unit or on private property once they know the minor is in possession of such. A person convicted of violating this section is guilty of a class A misdemeanor.

➤ **Public Act No. 14-165**      **AN ACT CONCERNING MANDATORY REPORTING  
OF ABUSE AND NEGLECT OF INDIVIDUALS WITH  
AUTISM SPECTRUM DISORDER, THE DEFINITION  
OF ABUSE, AND THE DEPARTMENT OF  
DEVELOPMENTAL SERVICES ABUSE AND NEGLECT  
REGISTRY.**

**Section 1**                      **Expanded definition of abuse**

This section amends *C.G.S. §17a-247a, Registry of former employees of department or other service providers terminated because of substantiated acts of abuse or neglect. Definitions*, to expand the definition of “abuse” for purposes of the abuse and neglect registry maintained by the Department of Developmental Services (DSS) in regard to previous employees or persons or entities licensed or funded by DSS. In addition to the current definition, the act includes “financial exploitation, psychological abuse or verbal abuse” and sexual abuse within the “abuse” definition.



to create and maintain a database of the names, addresses and amount owed by any obligor and to publish on the DSS web site, the names of the top 100 persons with the highest "delinquent child support obligations". Persons who are in this top 100 category owe child support which has accrued after a court order has entered and the amount exceeds 90 days or who has failed either to make medical or dental insurance coverage available within 90 days of a court order being issued or maintain such coverage pursuant to a court order that has entered for 90 days.

➤ **Public Act No. 14-186**      **AN ACT CONCERNING THE DEPARTMENT OF CHILDREN AND FAMILIES AND THE PROTECTION OF CHILDREN**

**Section 1**                      **False reports of abuse/neglect-disclosure to law enforcement**

This section amends *C.G.S. §17a-28, Definitions. Confidentiality and access to records; exceptions. Procedure for aggrieved persons*, to require disclosure to law enforcement and the state's attorney of the name of anyone who allegedly falsely reported abuse or neglect, or if a mandated reporter failed to report suspected abuse or neglect, and records pertaining to such person if they exist, without their consent. Under the legislation such records can be disclosed, without consent, to the Department of Health, CSSD, birth to three program, to the superintendant of schools in a case where DCF has placed a school employee on the child abuse and neglect registry.

**Section 3**                      **Trafficking victims**

This is new legislation which permits the Commissioner of DCF to provide welfare and other appropriate services to minors, defined as persons under the age of 18 years, identified as or reasonably believed to be, a victim of trafficking as defined in *C.G.S. §46a-170, Trafficking in Persons Council. Membership. Duties. Reports*.

**Section 4**                      **Multidisciplinary teams**

This section amends subsection (a) of *C.G.S. §17a-106a, Multidisciplinary teams. Purpose. Composition. Confidentiality. Records of meetings*, which currently permits the Commissioner of DCF and a state's attorney to establish a multidisciplinary team to "review cases to coordinate intervention, treatment and advance investigation of the case in an effort to protect children who have been abused or neglected. The legislation permits multidisciplinary teams to be created to review child victims of trafficking also.

**Section 5**                      **Uncared for definition and trafficking**



➤ **Special Act No. 14-7**

**AN ACT IMPLEMENTING THE RECOMMENDATION OF THE LEGISLATIVE PROGRAM REVIEW AND INVESTIGATIONS COMMITTEE STUDY ON ACCESS TO SUBSTANCE USE TREATMENT FOR INSURED YOUTH AS THEY RELATE TO THE DEPARTMENT OF CHILDREN AND FAMILIES**

**Section 1**

**Urgent care proposal**  
*(Effective from passage)*

This is new legislation which requires DCF, Department of Mental Health and Addiction Services (DMHAS) and the Department of Public Health to draft and submit to certain legislative committees, a proposal to create an urgent care center for persons with behavioral health concerns.

**Section 2**

**Collection of data**  
*(Effective from passage)*

This is new legislation requiring that certain information is collected by the entities providing services to any child or youth under DCF's voluntary program. The information obtained shall be analyzed by DCF to assess: "(1) the accessibility of in-home behavioral health care services to insured children or youth, (2) the extent to which costs of such services are shifted to the state and the state's contracted nonprofit service providers, and (3) if the department determines that the costs shifted to the state and such providers is excessive, methods to alleviate the burden on the state and such providers."

**Section 3**

**Substance abuse recovery support plan**  
*(Effective from passage)*

This is new legislation which requires DCF and DMHAS to develop a "substance abuse recovery support plan" for young adults and adolescents and include recommendations to increase community support and options for funding such.



- **Special Act No. 14-8**      **AN ACT IMPLEMENTING THE RECOMMENDATIONS OF THE LEGISLATIVE PROGRAM REVIEW AND INVESTIGATIONS COMMITTEE STUDY ON THE DEPARTMENT OF CHILDREN AND FAMILIES AS THEY RELATE TO PREPARATION OF YOUTHS AGING OUT OF STATE CARE**

**Section 1**      **Youth aging out**  
*(Effective from passage)*

This is new legislation which requires DCF to report to certain legislative committees, those steps taken to implement the recommendations contained within the 2014 Legislative Program Review and Investigations Report as they pertain to services for youths who are aging out of care with DCF.

**SEE ALSO:**

- **Public Act No. 14-3**      **AN ACT CONCERNING GUARDIANS AD LITEM AND ATTORNEYS FOR MINOR CHILDREN IN FAMILY RELATIONS MATTERS**
- **Public Act No. 14-70**      **AN ACT CONCERNING CROSS REPORTING OF CHILD ABUSE AND ANIMAL CRUELTY**
- **Public Act No. 14-173**      **AN ACT CONCERNING COURT SUPPORT SERVICES**
- **Public Act No. 14-207**      **AN ACT CONCERNING COURT OPERATIONS**

**COURT SUPPORT SERVICES (CSSD)**

- **Public Act No. 14-173**      **AN ACT CONCERNING COURT SUPPORT SERVICES**

**Section 1**      **Access by CSSD to DCF records**

This section amends subsection (g) of *C.G.S. 17a-28, Definitions. Confidentiality and access to records; exceptions. Procedure for aggrieved persons*, to authorize disclosure of records maintained by the Department of Children and Families (DCF) to Court Support Services Division (CSSD) of Judicial without the consent of the subject of the records:

*“to allow the Division to determine the supervision and treatment needs of a child or youth, and provide appropriate supervision and treatment services to such child or youth, provided such disclosure shall be limited to information that identifies the child or youth, or a member of such child’s or youth’s immediate family, as being or having been (A) committed to the custody of the Commissioner of Children and Families as*



This section amends subsection (a) of *C.G.S. §54-56i, Pretrial drug education and community service program*, to remove the current requirement that the program include a 15 session drug intervention program. The program is still required to include a 15 week drug education program, a substance abuse treatment program of not less than 15 sessions and completion of community service.

**Section 7**

**Technical**

This section amends subsection (c) of *C.G.S. §54-56i, Pretrial drug education and community service program*, by adding the word “determination” for consistency so that regardless of where an applicant is referred, the entity accepting the referral will not only evaluate the applicant but make a determination as to the appropriate substance abuse treatment program.

**Section 8**

**Technical change and alternative provided**

This section amends subdivision (1) of subsection (d) of *C.G.S. §54-56i, Pretrial drug education and community service program*, so that referrals to CSSD are not for the purpose of receiving appropriate drug “intervention” services but for the purpose of receiving appropriate drug “education” services.

The section also provides that a person granted the drug education and community service program for the first time participate either in a 15 week drug education program (the current statutory requirement), or a substance abuse treatment program of not less than 15 sessions, as ordered by the court after evaluation and determination as required by the statute.

## **CRIMINAL PROTECTIVE ORDERS**

➤ **Public Act No. 14-147**

**AN ACT CONCERNING THE DESIGNATION OF A PERSON CONVICTED OF CRIMINAL VIOLATION OF A STANDING CRIMINAL PROTECTIVE ORDER AS A PERSISTENT OFFENDER**

**Section 1**

**Violation and persistent offender statute**

*Effective October 1, 2014 and*

*applicable to convictions entered on or after said date*

The act amends *C.G.S. §53a-40d, Persistent offenders of crimes involving assault, stalking, trespass, threatening, harassment, criminal violation of a protective order or criminal violation of a restraining order. Authorized sentences*, which defines when a person who has been convicted of the crimes of “assault, staking, trespass, threatening, harassment, criminal violation of a protective order or criminal violation of a restraining order” can be found to be a persistent offender. The act adds to the list of crimes a violation of a standing

criminal protective order. Conviction as a persistent offender requires the court to impose the sentence for the next more serious degree of misdemeanor or felony.

## Section 2

## Definition of standing criminal protective order

Standing Criminal Protective Orders can be ordered by the court whenever a person is charged with violating a family violence crime as defined in C.G.S. §46b-38a, *Family violence prevention and response: Definitions*, or a violation of any of the following against a family or household member, as defined in C.G.S. §46b-38a:

- (1) subdivision (1) or (2) of subsection (a) of C.G.S. §53-21, *Injury or risk of injury to, or impairing morals of, children. Sale of children;*
- (2) C.G.S. §53a-59, *Assault in the first degree: Class B felony: Nonsuspendable Sentences;*
- (3) C.G.S. §53a-59a, *Assault of an elderly, blind, disabled or pregnant person or a person with intellectual disability in the first degree: Class B felony: Five years not suspendable;*
- (4) C.G.S. §53a-60, *Assault in the second degree: Class D felony;*
- (5) C.G.S. § 53a-60a, *Assault in the second degree with a firearm: Class D felony: One year not suspendable;*
- (6) C.G.S. §53a-60b, *Assault of an elderly, blind, disabled or pregnant person or a person with intellectual disability in the second degree: Class D felony: Two years not suspendable;*
- (7) C.G.S. §53a-60c, *Assault of an elderly, blind, disabled or pregnant person or a person with intellectual disability in the second degree with a firearm: Class D felony: Three years not suspendable;*
- (8) C.G.S. §53a-70, *Sexual assault in the first degree: Class B or A felony;*
- (9) C.G.S. §53a-70a, *Aggravated sexual assault in the first degree: Class B or A Felony;*
- (10) C.G.S. §53a-70b, *Sexual assault in spousal or cohabiting relationship: Class B Felony;*
- (11) C.G.S. §53a-70c, *Aggravated sexual assault of a minor: Class A felony;*
- (12) C.G.S. §53a-71, *sexual assault in the second degree: Class C or B felony;*
- (13) C.G.S. §53a-72a, *Sexual assault in the third degree: Class D or C felony;*
- (14) C.G.S. §53a-72b, *Sexual assault in the third degree with a firearm: Class C or B felony;*
- (15) C.G.S. §53a-73a, *Sexual assault in the fourth degree: Class A misdemeanor or class D felony;*
- (16) C.G.S. §53a-181c, *Stalking in the first degree: Class D felony;*
- (17) C.G.S. §53a-181d, *Stalking in the second degree: Class A misdemeanor;*
- (18) C.G.S. §53a-181e, *Stalking in the third degree: Class B misdemeanor;*
- (19) C.G.S. §53a-182b, *Harassment in the first degree: Class D felony;*
- (20) C.G.S. §53a-183, *Harassment in the second degree: Class C misdemeanor;*
- (21) C.G.S. §53a-223, *Criminal violation of a protective order: Class D felony;*

- (22) *C.G.S. §53a-223a, Criminal violation of a standing criminal protective order: Class D felony; or,*
- (23) *C.G.S. §53a-223b, Criminal violation of a restraining order: Class D felony.*

or an attempt or conspiracy to violate any of the above entitled statutes or *C.G.S. §53a-54a, Murder*, when the court is of the opinion that the “history and character and the nature and circumstances of the criminal conduct” of the defendant demonstrate that a standing criminal protective order “will best serve the interest of the victim and the public”. The court determines the length of time the order will remain in effect and can only be modified or revoked upon a showing of good cause. The court can order the defendant to comply with other non financial conditions it may order as part of the Standing Criminal Protective Order.

This section defines a standing criminal protective order as any “standing criminal restraining order” entered prior to October 1, 2010 or a standing criminal *protective* order issued on or after October 1, 2010.

**SEE ALSO:**

- **Public Act No. 14-173**      **AN ACT CONCERNING COURT SUPPORT SERVICES**
- **Public Act No. 14-207**      **AN ACT CONCERNING COURT OPERATIONS**

**DIVERSIONARY PROGRAMS**

**SEE:**

- **Public Act No. 14-56**      **AN ACT CONCERNING STOLEN VALOR, VETERANS’ SERVICE OFFICERS AND TECHNICAL CORRECTIONS TO THE DEFINITION OF VETERAN**
- **Public Act No. 14-173**      **AN ACT CONCERNING COURT SUPPORT SERVICES**
- **Public Act No. 14-233**      **AN ACT CONCERNING REVISIONS TO VARIOUS STATUTES CONCERNING THE CRIMINAL JUSTICE SYSTEM**





## EVIDENCE

- **Public Act No. 14-120**      **AN ACT CONCERNING ADOPTION OF THE CONNECTICUT CODE OF EVIDENCE BY THE SUPREME COURT**

**Section 1**                      **Code of Evidence**  
*Effective upon passage*

This is new legislation which authorizes the Connecticut Supreme Court to adopt the Connecticut Code of Evidence. If adopted, the Chief Justice is required to appoint a standing advisory committee to study the code and make recommendations to the Supreme Court regarding any amendments that should be made. The act requires that the Chair of the advisory committee make a report to the Judiciary Committee, including any proposed amendments as recommended by the committee.

## EYEWITNESS ID

- **Public Act No. 14-233**      **AN ACT CONCERNING REVISIONS TO VARIOUS STATUTES CONCERNING THE CRIMINAL JUSTICE SYSTEM**

**Section 1**                      **In rem forfeiture proceedings**

This section amends *C.G.S. 54-33g, Summons to owner on seizure of property. In rem action for adjudication as nuisance. Disposition of property*, to clarify that not only property believed to be “possessed, controlled designed or intended for use or which is or has been used or which may be used as a means of committing any criminal offense” but also any proceeds from the commission of a crime which are seized by law enforcement are subject to in rem forfeiture proceedings and seizure.

The section also amends the in rem process to allow for a prosecutor to petition the court, not later than 90 days after seizing the property, for a civil hearing and sustain the burden of proving by clear and convincing evidence the material facts. The owner of the property is required to be given notice by certified or registered mail and a hearing is required to be held “promptly”, no less than 2 weeks after the notice is provided. This section also directs the process for the sale of property ordered forfeited and the deposit of monetary property ordered forfeited in the accounts of state and local police departments, the Criminal Injuries Compensation Fund, the General Fund or the Division of Criminal Justice.



**Section 2****Property subject to forfeiture**

This section amends subsection (a) of *C.G.S. 54-36p Forfeiture of moneys and property related to sexual exploitation, prostitution and human trafficking. In rem proceeding. Disposition*, and deletes the notation to property "from any sale or exchange for pecuniary gain" from the types of property subject to forfeiture.

**Section 3****Probation officers and warrants**

This section amends *C.G.S. §54-63c Release by law enforcement officer*, to authorize a probation officer serving a warrant for a violation of probation to be able to advise a defendant of his/her rights, interview the defendant and obtain information pertaining his/her potential release and order release when appropriate, just as a bail commissioner would. No change was made to that part of *C.G.S. §54-63c* which articulates that:

*"No statement made by the arrested person in response to any question during the interview related to the terms and conditions of release shall be admissible as evidence against the arrested person in any proceeding arising from the incident for which the conditions of release were set."*

**Section 4****Harassment in the first degree**

This section amends subsections (a) and (b) of *C.G.S. §53a-182b, Harassment in the first degree: Class D felony*, and broadens the current statutory language by deleting the reference to telephone calls to now include all communications regardless of where the "communication originated" or where the communication was received.

**Section 5****Increased penalty for fraudulent use of ATM**

This section amends *C.G.S. §53a-127b, Fraudulent use of an automated teller machine: Class C misdemeanor*, by increasing the penalty for fraudulent use of an automated teller machine (ATM) from a class C misdemeanor to a class A misdemeanor. A person violates this statute if "with the intent to deprive another of property or to appropriate the same to himself or herself or a third person, such person knowingly uses in a fraudulent manner an automated teller machine for the purpose of obtaining property."

**Section 6****Values increased for issuance of a bad check**

This section amends *C.G.S. §53a-128 Issuing a bad check. Penalties*, to increase the

current values, for which a person could be prosecuted, to reflect those in the larceny statutes as follows:

<u>Classification</u>	<u>Current Check Value</u>	<u>New Check Value</u>
<i>Class D felony</i>	<i>greater than \$1,000</i>	<i>greater than \$2,000</i>
<i>Class A Misdemeanor</i>	<i>greater than \$500 but not more than \$1,000</i>	<i>greater than \$1,000 but not more than \$2,000</i>
<i>Class B Misdemeanor</i>	<i>greater than \$250 but not more than \$500</i>	<i>greater than \$500 but not more than \$1,000</i>
<i>Class C Misdemeanor</i>	<i>\$250 or less</i>	<i>\$500 or less</i>

## **Sections 7**

### **Accelerated Rehabilitation – 10 year lookback**

This section amends subsections (a) through (c) to require that the court seal the court file, as to the public, whenever a person makes an application for Accelerated Rehabilitation. In addition, the legislation provides a 10 year look-back for any person previously charged with a misdemeanor or certain motor vehicle violations who used an AR and 10 years have passed from the dismissal of the case for which the person used AR. The court may grant AR if the person never had AR or if the defendant was charged with a:

*“misdemeanor or a motor vehicle violation for which a term of imprisonment of one year or less may be imposed and ten or more years have passed since the date that any charge or charges for which the program was invoked on the defendant’s behalf were dismissed by the court.”*

As a result, in certain instances, AR can be utilized more than once but no more than twice by a defendant.

The legislation amends the statute to provide that a person charged with violating subdivision (1), (2) or (3) of subsection (a) of *C.G.S. §53a-122, Larceny in the first degree: Class B felony*, is not prohibited from applying for AR so long as it did not involve the use, attempted use or threatened use of physical force against another.

In addition, the statute is amended to provide that a person charged with violating subdivision (4) of subsection (a) of *C.G.S. §53a-122* is not prohibited from applying for AR so long as it did not involve the use, attempted use or threatened use of physical force against another and doesn’t involve a violation by a public official, state or municipal employee as defined in *C.G.S. §1-110, Definitions. As used in sections 1-110 to 1-110d, inclusive.*

## Section 8

## Suspension of prosecution - sealing of file

This section amends subsection (b) of *C.G.S. §17a-696, Order for suspension of prosecution and treatment for alcohol or drug dependency*, to require that the court seal the court file, but only as to the public, upon an application for admission in to the program by a defendant.

## Section 9

## Tracking device defined

This section amends the definition of property as it is used in *C.G.S. §54-33a, Issuance of search warrant*, through *C.G.S. §54-33g, Summons to owner on seizure of property. In rem action for adjudication as nuisance. Disposition of property*, to include "records and data" in the definition. It also defines a "tracking device" as an "electronic or mechanical device that permits the tracking of the movement of a person or object."

The legislation authorizes prosecutors or "any two credible persons" to apply for a warrant under oath to a judge or judge trial referee asserting that probable cause exists to believe that an offense "has been, is being, or will be committed" and that if a tracking device is utilized installed or placed upon an identified person or property, they will obtain evidence of such offense.

Any warrant so authorized by the court must state the date and time of its issuance, the probable cause grounds and order installation of the tracking device within a period of time which shall not be later than 10 days after warrant is issued. The tracking devices can be utilized and collect data for not more than 30 days from the date it is installed. In addition, the court can extend the period of time for 30 days that the tracking device is utilized and collecting data.

The legislation also creates a new subsection (e) which permits discretion to the court to issue warrants pursuant to *C.G.S. §54-33a, Issuance of search warrant*, for records or data in the possession of foreign corporations or business entities who do business in Connecticut, including those corporations or business entities that provide "electronic communications services or remote computing services to the public". Once served with such a warrant, such foreign corporation or business entity, has up to 14 days to comply with disclosure. The court can order disclosure to be made in less than 14 days if "necessary or appropriate."

## Section 10

## Warrants

This section amends *C.G.S. §54-33c, Application for warrant. Execution and return of warrant. Copy of affidavit to be given to owner, occupant or person named in warrant; exceptions. Disclosure of affidavit limited by prosecuting attorney, when*, to provide the process for returning a warrant for the installation and use of a tracking device and providing or not providing the warrant and affidavits to the person or owner of the property which was tracked.

**Section 11**

**Continuation of Task Force**  
*(Effective from passage)*

This section amends section 2 of P.A. 11-252 as amended by section 3 of P.A. 12-111 to permit the Eyewitness Identification Task Force to continue in existence until June 30, 2016 in order to collect and assist in archiving information pertaining to eyewitness ID procedures that are utilized by law enforcement and to review best practices in eye witness ID procedures in other states.

**FRAUDULENT USE OF ATM**

**SEE:**

- **Public Act No. 14-233**      **AN ACT CONCERNING REVISIONS TO VARIOUS STATUTES CONCERNING THE CRIMINAL JUSTICE SYSTEM**

**FREEDOM OF INFORMATION**

- **P.A. 14-34**      **AN ACT LIMITING ACCESS TO CERTAIN INFORMATION REGARDING PROBATION OFFICERS UNDER THE FREEDOM OF INFORMATION ACT**

**Section 1**

**Disclosure prohibited**  
*Effective July 1, 2014*

This is new legislation which prohibits the disclosure of certain personal information of any current or former probation officer to persons under supervision of CSSD or committed to the supervision of DOC for a violation of probation. Among the information for which disclosure is prohibited is the probation officer's date of birth, social security number, email and residential addresses, telephone number, photograph, and driver license information.

## GUARDIAN AD LITEMS (GALs)

- **Public Act No. 14-3**                    **AN ACT CONCERNING GUARDIANS AD LITEM AND ATTORNEYS FOR MINOR CHILDREN IN FAMILY RELATIONS MATTERS**

This act makes numerous changes to the process in which guardian ad litem are appointed and utilized for minor children in a family relations matter.

### **Section 1**    **List of GALs to be provided to parties**

**CAUTION:** Please refer to P.A. 14-207 as this section was amended by Section 13 of P.A. 14-207.

This is new legislation which requires the court, prior to appointing counsel or a GAL for a minor child in a family relations matter, to provide the parties with the names of 15 persons eligible to serve as counsel or a GAL. The new legislation describes which circumstances to be considered by the court prior to providing the names of the potential persons. Within 2 weeks, the parties are required to notify the court in writing of their choice for counsel or GAL. If the parties cannot agree, the court chooses the counsel or GAL. Of course, if the parties have a written agreement prior to this as to their choice for a GAL or counsel in the event of an emergency situation, the court is not required to go through this process.

The court is required to order the specific work that counsel or the GAL are to do in the matter, the length of the appointment, the dates that counsel or the GAL are to report to the court on the status of the case and the fee schedule which shall include the retainer, hourly rate and how the fees are split.

### **Section 2**    **Technical**

**CAUTION:** Please refer to P.A. 14-207 as this section was amended by Section 14 of P.A. 14-207.

This amends *C.G.S. §46b-54, Counsel for minor children. Duties*, which provides when the court may appoint counsel pursuant to *C.G.S. §46b-45, Service and filing of complaint*, and adds GALs which may be appointed and also attempts to minimize the legal fees that can accrue by allowing flexibility in the process as to when the counsel or the GAL may be heard on matters regarding custody, care, support, visitation and education of the minor children involved.

The legislation also provides that whenever counsel or a GAL make a recommendation for the entry of a specific order, that the court, in considering the best interest of the child, also consider other criteria as articulated below:

**Section 4                      Standing to motion for removal of counsel/ GAL for minor child**

This is new legislation which provides standing to any of the parties in action regarding the custody, care, support, education or visitation of a minor child to move for the removal of counsel or the GAL for the minor child. The legislation requires Judicial to develop the procedures for a hearing on such a motion and permits the Judicial to refer the parties to its family services unit. A hearing is held only if the issues raised in the motion cannot be resolved.

**Section 5                      Payment for counsel or GAL for minor child**

This section amends *C.G.S. §46b-62, Orders for payment of attorney's fees in certain actions*, to prohibit the court from ordering the father, mother or intervening party from paying for counsel or a GAL for a minor child from a college savings account or qualified tuition program which had been established for the minor child. It also prohibits the court from ordering that a father, mother or intervening party who does not have an ability to pay the fees of counsel or the GAL for the minor child by credit card and further limits any order to pay to be limited to the person's assets or income which "are not exempt property" pursuant to *C.G.S. §52-352a Definitions for exempt property provisions*, and *§52-352b, Exempt property*. The legislation further permits the fees payable to be based upon a sliding scale and requires Judicial to "develop and implement the methodology" for such.

**Section 6                      Public brochure - roles/responsibilities, counsel & GALs  
(Effective July 1, 2014)**

**CAUTION:** Please refer to P.A. 14-207 as this section was amended by Section 15 of P.A. 14-207.

This is new legislation which requires the Judicial Branch to develop an informational brochure in hard copy and electronically, regarding the roles of counsel for minor children and GALs for minor children when court appointed, and the process on how to apply for either if a party is indigent.

**Section 7                      Professional code of conduct for counsel & GALs**

**CAUTION:** Please refer to P.A. 14-207 as this section was amended by Section 16 of P.A. 14-207.

This is new legislation which requires the Judicial Branch to develop and implement a "professional code of conduct" for counsel for the minor child and GALs for the minor child in family relations matters.

**Section 8                      Articulation of basis for decision required**

This section amends subsection (c) of *C.G.S. §46b-56, Orders re custody, care, education, visitation and support of children. Best interests of the child. Access to records of minor child by noncustodial parent. Orders re therapy, counseling and drug or alcohol screening*, to require the court to articulate the basis for its decision when making or modifying its orders.

**Section 9 Indigency determination**

This section amends *C.G.S. §51-296a, Eligibility for counsel in family relations or juvenile matters. Procedure for appointment or assignment. Payment of attorney appointed prior to July 1, 2011*, to require the court to also examine a parent or guardian's "present ability to afford counsel" when making a determination as to eligibility for court appointed counsel. This section also prohibits the court from considering the parent or guardian's prior payment history or prior ability to afford counsel as evidence of a parent or guardian's present ability to pay for such.

➤ **Public Act No. 14-207 AN ACT CONCERNING COURT OPERATIONS**

**Section 4 Money found on Superior Court grounds**

This is new legislation that mandates that any money found in the amount of \$10 or less found on the grounds of a court and turned over to the clerk of the court shall be deposited into the General Fund and presumed abandoned.

**Section 7 Body armor and Marshalls**

Current law prohibits the sale or delivery of body armor to anyone unless exempted by *C.G.S. §53-341b, Sale or delivery of body armor restricted*. Those exempted include law enforcement including state and municipal police, corrections, Criminal Justice and the Board of Pardons and Parole. The legislation exempts judicial marshalls as well.

**Section 8 Automatic termination of bond**

This section amends *C.G.S. §54-66a, Automatic termination of bail bonds*, which articulates when bond in criminal cases are required to be automatically terminated and released. Currently, bonds are terminated and released if the defendant is granted Accelerated Rehabilitation, admitted to the Pretrial Alcohol Education Program, the Pretrial Family Violence Education Program, the Pretrial Drug Education and Community Service Program, the Pretrial School Violence Prevention Program or the Supervised Diversionary Program for Persons with Psychiatric Disabilities, or, when the charges have been dismissed, or the defendant has been sentenced by the court or acquitted or the suspension of prosecution pursuant to subsection (h) of *C.G.S. §29-33, Sale, delivery or transfer of pistols and revolvers. Procedure. Penalty, for a violation of §29-33*.





“(1) Dissolution of marriage, contested and uncontested, except dissolution upon conviction of crime as provided in *section 46b-48, Dissolution of marriage or annulment upon conviction of crime against chastity; procedure*, of the general statutes;

(2) legal separation;

(3) annulment of marriage;

(4) alimony, support, custody and change of name incident to dissolution of marriage, legal separation and annulment;

(5) actions brought *under section 46b-15, Relief from physical abuse, stalking or pattern of threatening by family or household member. Application. Court orders. Duration. Copies. Expedited hearing for violation of order. Other remedies*, of the general statutes;

(6) complaints for change of name;

(7) civil support obligations;

(8) habeas corpus and other proceedings to determine the custody and visitation of children;

(9) habeas corpus brought by or on behalf of any mentally ill person except a person charged with a criminal offense;

(10) appointment of a commission to inquire whether a person is wrongfully confined as provided by *section 17a-523, Commission to inquire whether person is wrongly confined*, of the general statutes;

(11) all rights and remedies provided for in chapter 815j of the general statutes;

(12) the establishing of paternity;

(13) appeals from probate concerning: (A) Appointment and removal of conservators; and (B) orders of commitment of persons to public and private institutions and to other appropriate facilities as provided by statute;

(14) actions related to prenuptial and separation agreements and to matrimonial and civil union decrees of a foreign jurisdiction;

(15) dissolution, legal separation or annulment of a civil union performed in a foreign jurisdiction; and

(16) custody proceedings brought under the provisions of chapter 815p of the general statutes.”

## Section 14

## Guardians Ad Litem

This amends subsection (e) of *C.G.S. §46b-54, Counsel for minor children. Duties*, as amended by section 2 of P.A. 14-3 which prohibited counsel of the GAL for a child to speak or report on the child's medical diagnosis unless the parties had refused to pay for the medial records. The amendment deletes that language and clarifies that counsel or the GAL "may" speak on the medical diagnosis pertaining to the minor child if counsel or the GAL is in possession of the medical reports pertaining to such or if any of the parties refuses to "cooperate" in either obtaining or paying for the reports.

## Sections 15 & 16

## Family relations matters definition

*(Section 15 – effective July 1, 2014)*

*(Section 16 – effective from passage)*

Sections 15 and 16 amend sections 6 and 7 of P.A. No. 14-3 respectively which had required Judicial to make public electronically or by hard copy, information on how to obtain court appointed counsel or a guardian ad litem for a minor child in a family relations matter and, makes a technical amendment to the earlier act which requires the Judicial Branch to develop and implement a "professional code of conduct" for counsel or a guardian ad litem for a minor child in family relations matters.

## Section 17

## Repeal of statutes

This section repeals *C.G.S. §52-434d, Special education administrative contested cases pilot program*, and *§54-102pp, Review of wrongful convictions*.

## HARRASSMENT

- Public Act No. 14-233      AN ACT CONCERNING REVISIONS TO VARIOUS STATUTES CONCERNING THE CRIMINAL JUSTICE SYSTEM
  
- Public Act No. 14-234      AN ACT CONCERNING DOMESTIC VIOLENCE AND SEXUAL ASSAULT

## IGNITION INTERLOCK DEVICE

- Public Act No. 14-228      AN ACT CONCERNING IGNITION INTERLOCK DEVICES

## Section 1

## Ignition interlock devices

*(Effective July 1, 2015)*

This section authorizes the Commissioner of DMV, under certain circumstances, to restrict a license or permit unless the operator has his/her motor vehicle equipped with an ignition interlock device if the operator. This amendment now authorizes such a restriction if the person has had his/her license suspended pursuant to *C.G.S. §14-227b (i), Implied consent to test operator's blood, breath or urine. Testing procedures. License suspension. Hearing*, and who has served no less than 45 days of the suspension. Subsection (i) articulates the circumstances under which the Commissioner of DMV is required to suspend either an operator's license or a nonresident's operating privilege.

**Section 3**

**Reinstatement of License Suspension**

*(Effective July 1, 2015)*

This section amends subsection (j) of *C.G.S. §14-111 Suspension or revocation of registration, license or right to operate*, and clarifies the statute as to when a reinstatement of a suspension of an operator's license may end upon the installation and maintenance of an ignition interlock device.

**Section 5**

**Specific age penalties eliminated from this section**

*(Effective July 1, 2015)*

This section amends subsections (g) to (i) of *C.G.S. §14-227a, Operation while under the influence of liquor or drug or while having an elevated blood alcohol content*, which articulates the penalties for a violation of this statute. The legislation eliminates the suspension periods pertaining to persons under the age of 21, currently under subsection (g)(2)(C)(i) of the statute and to persons under the age of 18 currently under subsection (h)(2) of the statute.

**Section 6**

**Refusal to submit to testing**

*(Effective January 1, 2015)*

This section amends subsection (i) of *C.G.S. §14-227b, Implied consent to test operator's blood, breath or urine. Testing procedures. License suspension. Hearing*, to provide for a 45 day suspension of a person's license or nonresident operating privilege if the person fails to contact DMV for a hearing, fails to appear at a hearing or has a decision rendered against him/her regardless of what the blood alcohol level was or if the person refused to submit to a blood alcohol test. Restoration of the license is conditioned upon the person installing an ignition interlock device on any motor vehicle operated or owned by said person for a period of time as prescribed under this statute.

Subsection (i) as amended provides that anyone 21 years of age or older who submitted to a test and had an elevated blood alcohol level when arrested is required to install and maintain an ignition interlock device for the following time periods:

- *“first suspension under this section, six months;*
- *second suspension under this section, one year; and*
- *third or subsequent suspension under this section, two years”*

Subsection (i) as amended provides that anyone under the age of 21 years of age who submitted to a test and had an elevated blood alcohol level when arrested is required to install and maintain an ignition interlock device for the following time periods:

- *“first suspension under this section, one year;*
- *second suspension under this section, two years; and*
- *third or subsequent suspension under this section, three years”*

Subsection (i) as amended provides that any person, regardless of their age, who refuses to submit to a blood alcohol test is required to install and maintain an ignition interlock device for the following time periods:

- *“first suspension under this section, one year;*
- *second suspension under this section, two years;*
- *third or subsequent suspension, under this section, three years.”*

The act also provides that a person whose license or nonresident operating privilege has been permanently revoked due to his/her having committed a 3<sup>rd</sup> offense pursuant to subsection (g) of C.G.S. §14-227, *Notification of Office of Victim Services and Victim Services Unit within Department of Correction by inmate or sexual offender seeking release or other relief*, shall be subject to the penalties of 14-111(i)(2,) *Suspension or revocation of registration, license or right to operate.*

## IMPERSONATION

➤ Public Act No. 14-86

### **AN ACT CONCERNING THE DUTIES OF STATE MARSHALS**

#### **Section 1**

#### **Impersonating a State Marshal**

This section amends C.G.S. §53a-130, *Criminal impersonation: Class A misdemeanor*, and adds to the circumstances under which a person could be guilty of violating this statute when a person “pretends to be a state marshal with intent to obtain a benefit or induce another to submit to such pretended official authority or otherwise to act in reliance upon that pretense. Criminal impersonation is a class A misdemeanor punishable by incarceration up to 1 year.

#### **Section 2**

#### **Service of process by persons unauthorized**

This section amends *C.G.S. §52-50, Persons to whom process shall be directed*, to make service of process by an indifferent person who knows that they are not authorized to do under the Connecticut statutes a class A misdemeanor punishable by incarceration up to 1 year.

## **IN REM FORFEITURE**

- **Public Act No. 14-233**      **AN ACT CONCERNING REVISIONS TO VARIOUS STATUTES CONCERNING THE CRIMINAL JUSTICE SYSTEM**

## **LARCENY**

- **Public Act No. 14-56**      **AN ACT CONCERNING STOLEN VALOR, VETERANS' SERVICE OFFICERS AND TECHNICAL CORRECTIONS TO THE DEFINITION OF VETERAN**

### **Section 1**

### **Intent**

This section amends subsection (b) of *C.G.S. §53-378, Wearing of armed forces uniform. False representation of award of armed forces decoration, medal, badge, ribbon, button or rosette*, and adds the element of "intent to obtain money, property or other tangible benefit" which must be proven beyond a reasonable doubt before a person can be convicted under this statute. Currently, the statute required only that a person "falsely represent" themselves to having received an award as a member of the armed services.

### **Section 3**

### **Veterans and accelerated rehabilitation (Effective upon passage)**

This section amends the definition of a "veteran" as articulated within subsection (b) of *C.G.S. §54-56e, Accelerated pretrial rehabilitation*, Accelerated pretrial rehabilitation, to be "any person who was discharged or released under conditions other than dishonorable from active service in the armed forces as defined in *section 27-103, Definitions*."

**Section 4**

**Veterans and pretrial drug education program**  
*(Effective upon passage)*

This section amends the definition of a “veteran” as articulated within subsection (c) of *C.G.S. §54-56i, Pretrial drug education and community service program*, Pretrial drug education program, to be “any person who was discharged or released under conditions other than dishonorable from active service in the armed forces as defined in section 27-103.”

**Section 5**

**Veterans and pretrial supervised diversionary program for persons with psychiatric disabilities**  
*(Effective upon passage)*

This section amends the definition of a “veteran” as articulated within subsection (a) of *C.G.S. §54-56l, Pretrial supervised diversionary program for persons with psychiatric disabilities and veterans*. Pretrial supervised diversionary program for persons with psychiatric disabilities and veterans, to be “any person who was discharged or released under conditions other than dishonorable from active service in the armed forces as defined in section 27-103.”

**MANDATORY REPORTING**

**SEE:**

- **Public Act No. 14-165**      **AN ACT CONCERNING MANDATORY REPORTING OF ABUSE AND NEGLECT OF INDIVIDUALS WITH AUTISM SPECTRUM DISORDER, THE DEFINITION OF ABUSE, AND THE DEPARTMENT OF DEVELOPMENTAL SERVICES ABUSE AND NEGLECT REGISTRY.**
  
- **Public Act No. 14-186**      **AN ACT CONCERNING THE DEPARTMENT OF CHILDREN AND FAMILIES AND THE PROTECTION OF CHILDREN**

**MOTOR VEHICLES**

- **Public Act No. 14-71**      **AN ACT CONCERNING UNINSURED MOTORIST COVERAGE FOR BODILY INJURY TO A NAMED INSURE OR RELATIVE DURING THE THEFT OF A MOTOR VEHICLE**

**Section 1**

**Insurance Cannot Be Denied Due to Theft of Vehicle**  
*(Effective October 1, 2014 and applicable to claims arising on or after said date)*

This section amends subsection (a) of *C.G.S. §38a-336, Uninsured and underinsured motorist coverage*, to now provide that after October 1, 2014 an insurer cannot deny coverage because the insured person or member of the insured person's household was struck "as a pedestrian" by their own motor vehicle during the theft of that motor vehicle, so long as the motor vehicle is named in the policy.

- **Public Act No. 14-130**      **AN ACT REVISING MOTOR VEHICLE LAWS**  
**(Contributed by Melissa Roder-Goldschmidt,**  
**Legal Intern)**

**Section 2**

**Public Passenger Endorsements**  
*(Effective upon passage)*

This section amends *C.G.S. §14-1, Definitions*, to add a new subsection (103) and rename "public passenger transportation permits" as "Public passenger endorsements" which allows a license holder to transport passengers, including students.

**Section 3**

**Registration Consent Agreements**  
*(Effective July 1, 2014)*

This section amends subsection (b) of *C.G.S. §14-12g, Suspension of motor vehicle registration for violation of mandatory security requirements. Suspension of motor vehicle operator's license. Consent agreements*, to establish that the DMV Commissioner may enter into a consent agreement with a vehicle owner whose registration was suspended for failure to carry proper insurance and the owner does not contest the determination, provided the owner pays a penalty of \$200.00 and provides evidence of mandatory security. DMV agrees not to suspend the owner's registration or rescind a suspended registration unless the owner does not maintain insurance. The legislation clarifies that a vehicle owner who demonstrates he/she has obtained proper insurance thereafter waives his/her ability to contest a finding by DMV of failure to maintain proper insurance regardless of whether a consent agreement was entered into when he/she paid the civil penalty.

**Sections 5, 6 & 7**

**Technical**  
*(Sections 5, 6, & 7 effective upon passage)*

These sections make a technical changes and amend subdivision (3) of subsection (a) of *C.G.S. §14-36g, Restrictions on transportation of passengers and hours of operation of vehicle by holders of motor vehicle operator's licenses who are sixteen or seventeen years of age. Exceptions. Regulations. Penalties*, and subsection (b) of *C.G.S. §14-37a, Special operator's permit for purposes of employment or education*, respectively, to change the name of a "public passenger transportation permit" to "public passenger endorsement".

## Section 9

### Expanding Police Reporting Requirements

*(Effective upon passage)*

This section amends subsection (d) of **C.G.S. §14-44, License endorsement for operators of commercial motor vehicles used for passenger transportation, school buses, student transportation vehicles, taxicabs, motor vehicles in livery service and motor or service buses. Requirements. Hearing. Appeal. Report re persons whose license or endorsement has been withdrawn, suspended or revoked. Penalty**, which currently requires police to report to DMV within 48 hours the arrest of persons with an operating license with a public passenger endorsement as provided for in this act, if arrested for either a felony or a violation of **C.G.S. §53a-73a, Sexual assault in the fourth degree: Class A misdemeanor or class D felony**, to change the name of a “public passenger transportation permit” to “public passenger endorsement”. This license is held by school bus drivers, taxis or livery drivers.

## Section 11

### Denial or disqualification for commercial driver’s license

This is new legislation which amends **C.G.S. §14-44e, Limitations on issuance of commercial driver's license. Qualification standards. Waiver of skills test. Requirements for license endorsement to operate vehicle transporting hazardous materials. Commercial driver's instruction permit**, to require the Commissioner of DMV to deny or disqualify, for 60 days, anyone who provides false information on their application for a commercial driver’s instruction permit or commercial driver’s license. If subsequently, the person is convicted of fraud related to such, the person’s permit or license shall be disqualified for 1 year from the date of the conviction. In addition, the person will need to re-apply and take all relevant testing for in order to obtain such permit or license.

## Section 25

### Technical changes to evading responsibility

This section amends **C.G.S. §14-224, Evasion of responsibility in operation of motor vehicles. Racing. Required removal of motor vehicle from traveled portion of highway. Impoundment or fine**, to separate into 4 distinct sections pertaining to the obligations to stop and render assistance by persons knowingly involved in an accident (1) causing or resulting in death; (2) causing serious physical injury; (3) causing injury; and, (4) causing injury or damage to property. The penalties for evading remain unchanged.

## Section 31 & 32

### Technical changes

To conform with the changes contained in Section 25 of this act, this section amends subsection (b) of **C.G.S. §14-111, Suspension or revocation of registration, license or right to operate**, (which pertains to the length of time that the Commissioner of DMV is required to suspend the operator’s license, whether an adult or a youthful offender, without a hearing), and, **C.G.S. §14-226, Operator to report injury to dog** (which prohibits prosecution under the new subdivision (3) created in Section 25 of this act if injury or death to a dog results).



Any person who has been convicted or has violated subdivision (1) of subsection (b) of C.G.S. §14-224, *Evasion of responsibility in operation of motor vehicles. Racing. Required removal of motor vehicle from traveled portion of highway. Impoundment or fine*, as amended by Section 25 of this act is thereafter ineligible for: accelerated rehabilitation and youthful offender treatment. The following statutes are amended: subsection (b) of C.G.S. §54-56e, *Accelerated pretrial rehabilitation*; subdivision (2) of subsection (a) of section §54-76b, *Youthful offenders: Definitions; applicability of interstate compact*; subsection (a) of C.G.S. §54-76c, *Eligibility to be adjudged a youthful offender. Transfer of cases*; and, subsection (a) of C.G.S. §54-76l, *Records or other information of youth to be confidential. Exceptions*.

## Section 38

## Youthful offenders and DMV

This section amends subsection (i) of C.G.S. §54-76l, *Records or other information of youth to be confidential. Exceptions*, to require disclosure, to DMV, of the records pertaining to a violation by a youthful offender of subdivision (2) or (3) of subsection (b) of C.G.S. §14-224.

- **Public Act No. 14-185**      **AN ACT CONCERNING THE TIME LIMITATION FOR PROSECUTING A MOTOR VEHICLE VIOLATION OR OFFENSE THAT RESULTS IN THE DEATH OF ANOTHER PERSON**

## Section 1

## Statute of limitations eliminated

This section amends C.G.S. §54-193, *Limitation of prosecution for certain offenses*, which currently lists which offenses for which there is no statute of limitation. The legislation eliminates the statute of limitation for prosecution of a person who commits a motor vehicle “violation or offense” resulting in the death of another and who evades responsibility under subsection (a) of C.G.S. §14-224, *Evasion of responsibility in operation of motor vehicles. Racing. Required removal of motor vehicle from traveled portion of highway. Impoundment or fine*.

**SEE ALSO:**

- **Public Act No. 14-228**      **AN ACT CONCERNING IGNITION INTERLOCK DEVICES**

**POLICE**

- **Public Act No. 14-149**      **AN ACT CONCERNING THE USE OF ELECTRONIC DEFENSE WEAPONS BY POLICE OFFICERS**

## **Section 1**

### **Adoption of a written Electronic Defense Weapon Policy**

*(Effective January 1, 2015)*

This section is new legislation which requires, by January 21, 2015, state police and municipal police departments to adopt a written policy regarding the use of electronic defense weapons and also requires police officers to document the use of electronic defense weapons in "use-of-force reports". The act also requires state police and municipal police departments to prepare an annual report which includes data and statistics on the usage of electronic defense weapons, the race and gender of the person it was used on, how many times it was used and the injuries sustained by the person as a result of the police using the electronic defense weapon. This report is to be submitted to the Criminal Justice Policy and Planning Division within OPM (Office of Policy and Management) by January 15, 2016.

- **Public Act No. 14-166**      **AN ACT CONCERNING COMPLAINTS THAT ALLEGE MISCONDUCT BY LAW ENFORCEMENT AGENCY PERSONNEL**

## **Section 1**

### **Implementation of complaint policy**

*Effective July 1, 2014*

This section requires POST to develop and implement a complaint policy and procedure to be utilized by the public to report police misconduct (state police and municipal police). The act articulates the criteria to be considered by POST as it develops the policy.

## **SENTENCING COMMISSION**

- **Public Act No. 14-27**      **AN AT CONCERNING THE RECOMMENDATIONS OF THE CONNECTICUT SENTENCING COMMISSION WITH RESPECT TO CERTIFICATES OF REHABILITATION**

## **Section 1**

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

This section amends *C.G.S. §54-130a, Jurisdiction and authority to grant commutations of punishment, releases and pardons*, and adds to the jurisdiction of the Board of Pardons and Paroles the granting of a "certificate of rehabilitation" to a person after a sentence has been imposed and before or after it has been served.

## **Section 2**

### **Certificate of Rehabilitation defined**

This section amends *C.G.S. §54-130e, Provisional pardons*, and defines a Certificate of Rehabilitation as:

*“a form of relief from barriers or forfeitures to employment or the issuance of licenses, other than a provisional pardon, that is granted to an eligible offender by (A) the Board of Pardons and Paroles pursuant to this section, or (B) the Court Support Services Division of the Judicial Branch pursuant to section 3 of this act”.*

It further defines “direct relationship” as meaning “that the nature of criminal conduct for which a person was convicted has a direct bearing on the person's fitness or ability to perform one or more of the duties or responsibilities necessarily related to the applicable employment or license”.

In addition, it requires the certificate to be labeled by the Board as either a certificate of employability or a certificate of suitability for licensure or both and authorizes the granting of a certificate of rehabilitation to an eligible offender who is being supervised by CSSD or any person after being sentenced and prior to the person’s release from DOC or supervision by parole or probation, although the certificate is deemed temporary until the offender actually completes the term of incarceration, parole or probation. Once completed, the temporary certificate becomes permanent. However, if a temporary certificate is issued and thereafter revoked, the act states that all “barriers and forfeitures” which had been relieved by the certificate are reinstated and provides a procedure for such. Revocation of the certificate is required if the person is convicted of a crime after it was issued.

Lastly, the section requires the Board to submit a report to the Office of Policy and Management and the Connecticut Sentencing Commission in regard to the number of applications received, granted, denied and revoked.

### **Section 3**

### **CSSD, probation and Certificates of Rehabilitation**

This is new legislation which authorizes CSSD to issue and revoke a Certificate of Rehabilitation to persons it supervises on probation or other supervised release. The section also requires CSSD to submit a report to the Office of Policy and Management and the Connecticut Sentencing Commission in regard to the number of applications issued and revoked.

#### **Section 4**

#### **Website**

This is new legislation which requires the Connecticut Sentencing Commission to post information received from the Board of Pardons and Paroles and CSSD on its web site. In addition, this section requires the Commission to evaluate the effectiveness of the certificates and provisional pardons.

#### **Section 5**

#### **Employment cannot be denied solely. . .**

This section amends subsections (d) and (e) of *C.G.S. §31-51i, Employer inquiries about erased criminal record prohibited. Discrimination on the basis of erased criminal record or provisional pardon prohibited. Availability of information on employment application form. Duties of consumer reporting agency issuing consumer report for employment purposes containing criminal matters of public record*, to prohibit denial of employment of a person or discharge or discrimination against a person who possesses a certificate of rehabilitation.

#### **Section 6**

#### **Presumption of rehabilitation**

This section amends subsection (c) of *C.G.S. §46a-80, Denial of employment based on prior conviction of crime. Inquiry re prospective employee's past convictions. Dissemination of arrest record prohibited*, and where a person may be denied employment by a state agency it requires it to consider a provisional pardon or certificate that has been issued and that such pardon or certificate establishes a presumption that the person has been rehabilitated. However, if employment is denied, this section requires that the state provide a written statement as to why employment was denied.

#### **Section 7**

#### **Rebuttable presumption**

This is new legislation that creates a rebuttable presumption against the admission of a prior criminal conviction of an applicant or an employee in a negligent hiring action against an employer so long as the applicant or employee has been issued a provision pardon or certificate when the alleged negligence occurred and the party establishes by a preponderance of the evidence that the employer knew that the person had been issued a valid provisional pardon or certificate.

#### **Sections 8 & 9**

#### **Technical in nature**

These sections make technical amendments to subsection (d) of *C.G.S. §54-124a, Board of Pardons and Paroles*, and subsection (b) of *C.G.S. §31-51i, Employer inquiries about erased criminal record prohibited. Discrimination on the basis of erased criminal record or provisional pardon prohibited. Availability of information on employment application form. Duties of consumer reporting agency issuing consumer report for employment purposes containing criminal matters of public record*, respectively.

# SEX OFFENDERS

- **Public Act No. 14-192**      **AN ACT CONCERNING CHILD PORNOGRAPHY AND PROVIDING NOTICE TO THE CHIEF EXECUTIVE OFFICER OF A MUNICIPALITY UPON THE RELEASE OF A REGISTERED SEXUAL OFFENDER INTO SUCH MUNICIPALITY**

## **Section 1**                              **Child pornography 1<sup>st</sup> degree expanded**

Currently, under C.G.S. §53a-196d, *Possessing child pornography in the first degree: Class B felony*, a person is guilty of this offense if he/she knowingly possesses 50 or more visual depictions of child pornography or 1 or more visual depictions of child pornography which show the infliction of serious physical injury or the threatened infliction of such. The legislation expands the statute by making a person guilty of this offense if he/she knowingly possesses:

*“(3) (A) a series of images in electronic, digital or other format, which is intended to be displayed continuously, consisting of two or more frames, or a film or videotape, consisting of two or more frames, that depicts (i) more than one child engaging in sexually explicit conduct, or (ii) more than one act of sexually explicit conduct by one or more children, or (B) any combination of a (i) series of images in electronic, digital or other format, which is intended to be displayed continuously, (ii) film, or (iii) videotape, which series, film or videotape each consists of two or more frames and depicts a single act of sexually explicit conduct by one child.”*

## **Section 2**                              **Child pornography 2<sup>nd</sup> degree expanded**

Current law provides under C.G.S. §53a-196e, *Possessing child pornography in the second degree: Class C felony*, that a person is guilty of this offense if he/she knowingly possesses 20 or more but less than 50 visual depictions of child pornography. Under the legislation a person can be convicted of this offense if he/she knowingly possesses:

*“a series of images in electronic, digital or other format, which is intended to be displayed continuously, consisting of twenty or more frames, or a film or videotape, consisting of twenty or more frames, that depicts a single act of sexually explicit conduct by one child.”*

### Section 3

### Child pornography 3<sup>rd</sup> degree expanded

Current law provides that a person is guilty of this offense if he/she knowingly possesses less than 20 visual depictions of child pornography. The legislation amends *C.G.S. §53a-196f, Possessing child pornography in the third degree: Class D felony*, so that a person is guilty of this offense if he/she knowingly possesses:

*“a series of images in electronic, digital or other format, which is intended to be displayed continuously, consisting of fewer than twenty frames, or a film or videotape, consisting of fewer than twenty frames, that depicts a single act of sexually explicit conduct by one child.”*

### Section 4

### No affirmative defense if continuous display, film/video

This section amends *C.G.S. §53a-196g, Possessing child pornography: Affirmative defenses*. Current law provides an affirmative defense to prosecution under *C.G.S. §53a-196d, Possessing child pornography in the first degree: Class B felony*, *C.G.S. §53a-196e, Possessing child pornography in the second degree: Class C felony*, *C.G.S. §53a-196f, Possessing child pornography in the third degree: Class D felony*, or *C.G.S. §53a-196h, Possessing or transmitting child pornography by minor: Class A misdemeanor*, if a person is in possession of less than 3 visual depictions. This legislation, however, eliminates the affirmative defense in situations where a person possessed “a series of images in electronic, digital or other format, which is intended to be display continuously, or a film or videotape”.

### Section 5

### Technical

This section amends subdivision (13) of *C.G.S. §53a-193, Definitions*, which defines “child pornography” to now include visual depictions made or produced by “digital” means.

### Section 6

### Notification to municipalities regarding sex offender (Effective July 1, 2014)

This legislation amends subdivision (2) of subsection (a) of *C.G.S. §54-258, Availability of registration information. Immunity*, to require the Department of Emergency Services and Public Protection (DESPP) to electronically notify the chief executive officer of the municipality in which a sex offender registrant, either resides or plans to reside, and to provide registry information to the CEO for the municipality.

- **Public Act No. 14-196**      **AN ACT CONCERNING A STATE-WIDE SEXUAL ABUSE AND ASSAULT AWARENESS PROGRAM**

**Section 1**                                      **State-wide program mandated**  
*(Effective July 1, 2014)*

This is new legislation that mandates the development of a state-wide sexual abuse and assault awareness and prevention program for boards of education to be implemented in the schools for grades kindergarten through grade 12. Students are not required to participate in the program if their parents provide written notice to the board of education that they are opting out totally or in part.

- **Public Act No. 14-213**      **AN ACT CONCERNING NOTICE TO THE SUPERINTENDANT OF SCHOOLS OR CHIEF EXECUTIVE OFFICER OF A MUNICIPALITY UPON RELEASE OR RELOCATION OF A REGISTERED SEXUAL OFFENDER INTO THE SCHOOL DISTRICT OR MUNICIPALITY**

**Section 1**                                      **Notification to municipalities of sex offenders**  
*(Effective July 1, 2014 )*

This legislation amends subdivision (2) of subsection (a) of *C.G.S. §54-258, Availability of registration information. Immunity*, to require the Department of Emergency Services and Public Protection (DESPP) to electronically notify the chief executive officer of the municipality and the superintendent of schools whenever a registered sex offender changes his/her address or is residing or planning to reside in the municipality, and to provide registry information to the CEO for the municipality.

**SEE ALSO:**

- **Public Act No. 14-196**      **AN ACT CONCERNING A STATE-WIDE SEXUAL ABUSE AND ASSAULT AWARENESS PROGRAM**
- **Public Act No. 14-234**      **AN ACT CONCERNING DOMESTIC VIOLENCE AND SEXUAL ASSAULT**

**TEEN DATING VIOLENCE**

- **Public Act No. 14-234**      **AN ACT CONCERNING DOMESTIC VIOLENCE AND SEXUAL ASSAULT**

**TRACKING DEVICES**

➤ **Public Act No. 14-233**

**AN ACT CONCERNING REVISIONS TO VARIOUS  
STATUTES CONCERNING THE CRIMINAL JUSTICE  
SYSTEM**

## **TRAFFICKING**

➤ **Public Act No. 14-186**

**AN ACT CONCERNING THE DEPARTMENT OF  
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## **VETERANS**

➤ **Public Act No. 14-56**

**AN ACT CONCERNING STOLEN VALOR, VETERANS'  
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## **WARRANTS**

➤ **Public Act No. 14-233**

**AN ACT CONCERNING REVISIONS TO VARIOUS  
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