

DEPARTMENT OF EMERGENCY SERVICES AND
PUBLIC PROTECTION

2018 PUBLIC ACTS

Preparer's note: This document contains summaries of public acts impacting DESPP or of interest to DESPP. If you have questions or require assistance, please contact Scott DeVico at scott.devico@ct.gov. The full text of these public acts can be accessed at www.cga.ct.gov.

PA-18-3-AN ACT CONCERNING A MOTOR VEHICLE ACCIDENT REPORT FOR AN ACCIDENT IN WHICH A PERSON WAS KILLED.

Effective Date: October 1, 2018

This act requires the police or other agencies or individuals investigating a fatal motor vehicle accident to refer the case to the state's attorney in the district where the accident took place if they are unable to determine the accident's cause, and it allows the state's attorney to refer the matter to the State Police for review and further investigation.

By law, investigators must send the transportation commissioner an accident report, within five days after completing an investigation, for any motor vehicle accident in which someone (1) was killed or injured or (2) incurred more than \$1,000 in property damage. The act requires the report to include, if possible and practicable, a conclusion as to the cause of any fatal accident. Existing law already requires accident reports to include information about the cause of a reportable accident.

PA-18-5- AN ACT CONCERNING DUAL ARRESTS AND THE TRAINING REQUIRED OF LAW ENFORCEMENT PERSONNEL WITH RESPECT TO DOMESTIC VIOLENCE.

Effective Date: January 1, 2019

This act requires a peace officer, in responding to a family violence complaint made by two or more opposing parties, to arrest the person the officer determines is the dominant aggressor. The act does not prohibit dual arrests, but discourages it when appropriate. It does not apply to (1) college and university

students who live together in on-campus housing and (2) tenants who live together in a residential rental property, who are not in a dating relationship.

Under the act, a “dominant aggressor” is the person who poses the most serious ongoing threat in a situation involving a suspected family violence crime.

The act also:

1. establishes the factors a peace officer must consider in determining which person is the dominant aggressor,
2. allows the officer to submit a report to the state's attorney for further review and advice on the conduct of the person or persons not arrested, and
3. gives the officer immunity from civil liability based on such actions.

It expands certain police and state's attorneys' training programs to include training on the factors for determining a dominant aggressor in a family violence case. It also allows an entity representing the statewide domestic violence coalition to assist with the training curriculum and allows certain domestic violence agencies to conduct training.

PA-18-17-AN ACT REQUIRING BEHAVIOR ANALYSTS TO BE MANDATED REPORTERS OF SUSPECTED CHILD ABUSE AND NEGLECT.

Effective Date: July 1, 2018

This act adds licensed behavior analysts to the statutory list of mandated reporters of suspected child abuse and neglect.

PA-18-20-AN ACT ALLOWING APPLICANTS FOR SECURITY OFFICER LICENSES TO WORK AS SECURITY OFFICERS.

Effective Date: July 1, 2018

This act establishes conditions under which security services may employ applicants for a security officer license to work as security officers while their applications are pending. It also prohibits applicants from working at (1) public or private preschools, elementary schools, or secondary schools or (2) facilities licensed as child care centers and used solely for that purpose.

Under current law, only individuals licensed by the Department of Emergency Services and Public Protection (DESPP) commissioner may be hired as, and perform the duties of, security officers.

The act subjects violators of these conditions to the same \$75 fine that applies to other provisions of the security officer licensure law. By law, each distinct violation is a separate offense, and each day's continuance of a violation is a separate offense.

SA-18-25- AN ACT ESTABLISHING A TASK FORCE TO STUDY THE PROCESSING AND RETENTION OF FINGERPRINT RECORDS AND CRIMINAL HISTORY RECORDS FOR EDUCATORS.

Effective Date: Upon Passage

The act establishes a task force to (1) examine the state's system for fingerprinting and processing of state and national criminal history records checks, conducted in accordance with the provisions of section 29-17a of the general statutes, for employees, applicants for employment, substitute teachers and volunteers of local and regional boards of education, interdistrict magnet school operators and regional educational service centers, and (2) make recommendations for the improvement of such system.

PA-18-29-AN ACT CONCERNING BUMP STOCKS AND OTHER MEANS OF ENHANCING THE RATE OF FIRE OF A FIREARM.

Effective Date: October 1, 2018, except the DESPP notification provision is effective upon passage.

This act generally makes it a class D felony for anyone, except a licensed firearms manufacturer fulfilling a military contract, to sell, offer to sell, otherwise transfer, or offer to transfer, purchase, possess, use, or manufacture a "rate of fire enhancement" (e.g., a bump stock). By law, a class D felony is punishable by up to five years in prison, a fine up to \$5,000, or both.

However, the act also provides a reduced penalty (a class D misdemeanor) for a first time offender who possesses a rate of fire enhancement before July 1, 2019 and holds a valid (1) permit to carry a pistol or revolver; (2) eligibility certificate

for a pistol, revolver, or long gun; or (3) ammunition certificate. By law, a class D misdemeanor is punishable by up to 30 days in prison, a fine up to \$250, or both.

The act makes an exception for (1) for licensed firearms manufacturers fulfilling a military contract and (2) anyone who moves into the state in lawful possession of a rate of fire enhancement and (3) any military personnel stationed or otherwise residing in the state who is deployed from the state on October 1, 2018 or is under deployment from this state on that date and legally possessed a rate of fire enhancement on September 30, 2018. It requires any such person or military personnel to render the rate of fire enhancement in their possession permanently inoperable, remove it from this state, or surrender it to the Department of Emergency Services and Public Protection (DESPP) for destruction, within 90 days of moving into the state or returning to the state from deployment. Under the act, the penalties described above do not apply during the 90-day period, unless the person or military personnel uses, sells, offers to sell, otherwise transfers, or offers to transfer, except as permitted, such rate of fire enhancement during this grace period.

The act also requires the DESPP commissioner to:

1. within 30 days after the bill passes and within available appropriations, provide written notice of the bill's provisions on its website and electronically to federally licensed firearms dealers and
2. for the period starting 30 days after the bill passes until July 1 2023, include a written notice of the bill's provisions with each (a) permit to carry a pistol or revolver, eligibility certificate for a pistol or revolver, long gun eligibility certificate, and ammunition certificate he issues and (b) expiration notice mailed to the holder of any such permit or certificate.

The act gives the court specific discretion to suspend prosecution in any case where a violation is not of a serious nature and the person charged with the violation (1) is not likely to offend in the future and (2) has not been previously convicted of a violation of these provisions or had a prosecution of any such violation suspended.

PA-18-83-AN ACT CONCERNING PROCEDURES RELATED TO COLLECTING AND PROCESSING SEXUAL ASSAULT EVIDENCE COLLECTION KITS.

Effective Date: July 1, 2018

This act requires health care facilities that collect sexual assault evidence to contact a sexual assault counselor when a person who identifies himself or herself as a sexual assault victim arrives at the facility. It also requires the Department of Emergency Services and Public Protection (DESPP) to implement an electronic tracking system for sexual assault evidence collection kits.

The act specifically states that the failure of any person to comply with the law on collecting, transferring, or analyzing sexual assault evidence or the protocol does not affect the admissibility of the evidence in any suit, action, or proceeding if the evidence is otherwise admissible

The act increases, from 14 to 15, the membership of the Commission on the Standardization of the Collection of Evidence in Sexual Assault Investigations by adding a representative from Disability Rights Connecticut, Inc. appointed by its board of directors.

Under the act, the commission must also advise the Chief State's Attorney on establishing a mandatory training program for health care facility staff on the kit-tracking software.

PA-18-93-AN ACT CONCERNING EMPLOYEE NOTIFICATION OF REQUESTS MADE UNDER THE FREEDOM OF INFORMATION ACT.

Effective Date: October 1, 2018

By law, records contained in employee personnel, medical, or similar files are considered public records under the Freedom of Information Act (FOIA) and are subject to disclosure, unless disclosure would constitute an invasion of personal privacy. This act expands public agencies' duty under FOIA to notify their employees of requests for access to these records.

Under the act, if a public agency receives a request to inspect or copy records contained in any of its employees' personnel, medical, or similar files, and it reasonably believes that disclosure would not constitute an invasion of privacy, it

must (1) first disclose the records and (2) within a reasonable period of time after disclosure, make a reasonable attempt to send to each employee involved and any collective bargaining representative, a written or electronic copy of the request, if applicable, or a brief description of the request.

Under existing law, unchanged by the act, if an agency receives such a request and it reasonably believes disclosure would constitute an invasion of privacy, it must immediately notify each employee involved and any collective bargaining representative. If the employee or collective bargaining representative objects within a specified period of time, the agency must deny access to the records, unless ordered to disclose them by the Freedom of Information Commission.

PA-18-95-AN ACT CONCERNING APPEALS UNDER THE FREEDOM OF INFORMATION ACT AND PETITIONS FOR RELIEF FROM VEXATIOUS REQUESTERS.

Effective Date: October 1, 2018

This act (1) adds to the factors that the Freedom of Information Commission (FOIC) must consider when determining whether to hear certain appeals brought under the Freedom of Information Act (FOIA) and (2) establishes a procedure under which public agencies may petition FOIC for relief from “vexatious requesters.” Relief may include an order that the agency need not comply with future requests from the requester for a period of up to one year.

By law, anyone aggrieved by a public agency's decision to deny access to a public meeting or information subject to disclosure under FOIA may appeal to FOIC. FOIC's executive director must obtain the commission's permission before scheduling any appeal that she believes (1) presents a claim beyond the commission's jurisdiction, (2) would cause an injustice, or (3) would constitute an abuse of the commission's administrative process.

The act requires FOIC, when deciding whether to grant permission to schedule such an appeal, to consider additional information about the nature of any injustice or abuse of administrative process. Specifically, it must consider:

1. whether the request or appeal is repetitious or cumulative;
2. any history of nonappearance at commission proceedings or disruption of FOIC's administrative process, including delaying proceedings; and

3. any refusals to participate in settlement conferences conducted by an FOIC ombudsman in accordance with regulations.

Under existing law, FOIC must also consider the nature, content, language, or subject matter of (1) the request or appeal, (2) prior or contemporaneous requests or appeals, and (3) other verbal or written communications to the agency or its officials, by the person making the request or taking the appeal. It must grant permission to hear the appeal unless it finds that the executive director's belief about the nature of the appeal is well founded.

The act authorizes public agencies to petition FOIC for relief from requesters they allege to be vexatious. The petition must be sworn under penalty of false statement and detail the alleged conduct that demonstrates a vexatious history of requests, including:

1. the number of requests filed and pending;
2. the scope of the requests;
3. the requests' nature, content, language, or subject matter and the requester's other oral or written communications to the agency; and
4. a pattern of conduct that amounts to an abuse of the right to access information under FOIA or an interference with the agency's operation.

PA-18-107-AN ACT CONCERNING REIMBURSEMENT FOR THE PURCHASE OF DASHBOARD CAMERAS WITH A REMOTE RECORDER AND DIGITAL DATA STORAGE DEVICES OR SERVICES.

Effective Date: Upon Passage

This act expands the types of equipment eligible for reimbursement, within available resources, under a law enforcement recording equipment grant program administered by the Office of Policy and Management (OPM) secretary.

The act expands the program to include reimbursing municipalities that replace dashboard cameras purchased before December 31, 2010 with those with a remote recorder in FYs 17 and 18.

The act also requires municipalities that are not reimbursed for such replacement dashboard cameras to be reimbursed, within available resources, for up to 50% of the costs for cameras purchased in FY 19.

The act also (1) extends the deadline, from the end of FY 17 to the end of FY 18, to purchase digital data storage devices or services eligible for reimbursement and (2) specifies that reimbursable body-worn recording equipment is for use by law enforcement, as opposed to the municipality generally.

PA-18-108-AN ACT CONCERNING ELECTRONIC PROOF OF AUTOMOBILE INSURANCE.

Effective Date: October 1, 2018

This act allows a person to present his or her automobile insurance identification card electronically on a cell phone or other electronic device, instead of in paper form, to law enforcement officers and the Department of Motor Vehicles (DMV) commissioner.

Under the act, officers and the commissioner cannot view any other content on the device, and presenting the card electronically does not give consent for them to view any other content. Additionally, the act exempts the state, a municipality, and state or municipal agencies or employees from liability for any damage to a device handed to an officer or the commissioner for the purpose of displaying an electronic automobile insurance identification card.

PA-18-130-AN ACT CONCERNING CHANGES TO THE STATE PERSONNEL ACT.

Effective Date: October 1, 2018

This act shortens certain deadlines related to open positions in the state employee classified service. It requires the Department of Administrative Services (DAS) commissioner to give public notice of exams for these positions at least six business days, rather than two weeks, in advance. It also removes a requirement for the commissioner to post the notice on a bulletin board in or near DAS. Existing law, unchanged by the act, requires the commissioner to post the notice on the department's website and submit it to the director of the state employment service.

The act also shortens the deadline by which applicants may appeal a rejection of their application for a classified service position. It requires them to appeal, in writing, to the DAS commissioner within six business days after the rejection was transmitted, rather than within 12 days after the rejection was mailed.

The act also removes an obsolete reference to the mandatory state employee retirement age.

PA-18-142-AN ACT CONCERNING THE APPOINTMENT OF A FIRE MARSHAL AND POLICE OFFICER AT THE CONNECTICUT AIRPORT AUTHORITY.

Effective Date: Upon Passage

This act allows the administrative services commissioner to delegate to any Connecticut Airport Authority (CAA) employee such powers as she deems expedient to properly administer any fire prevention and safety statute on CAA-controlled property. The delegation must be made under a memorandum of understanding (MOU) between the commissioner and the authority's executive director.

The act also allows the emergency services and public protection commissioner, at her discretion, to commission, upon CAA's application, one person designated by the authority to serve as a sworn police officer with arrest powers on property, business, and airplanes owned or controlled by the authority.

PA-18-161-AN ACT CONCERNING THIRD-PARTY FINGERPRINTING SERVICES, MINIMUM STANDARDS AND PRACTICES FOR THE ADMINISTRATION OF LAW ENFORCEMENT UNITS AND REPORTS OF POLICE PURSUITS.

Effective Date: July 1, 2018, except that the provisions on (1) police pursuits are effective October 1, 2018, and (2) minimum standards and practices are effective January 1, 2019.

This act makes changes affecting the Department of Emergency Services and Public Protection (DESPP) and the Police Officer Standards and Training Council (POST). Generally, it:

1. allows the DESPP commissioner to enter into agreements with contractors to electronically take and transmit fingerprints and demographic information to the

State Police Bureau of Identification (SPBI) for processing criminal history record checks;

2. requires, within available appropriations, POST and the DESPP commissioner to jointly develop (a) minimum standards and practices for administering and managing law enforcement units and (b) a process for reviewing compliance, including a certificate of compliance;

3. requires, beginning January 1, 2019, law enforcement units to adopt and maintain POST's minimum standards and practices or a higher level of accreditation standards; and

4. establishes a series of reporting requirements concerning police pursuits, including for police officers, local police chiefs, the DESPP commissioner, and POST.

PA-18-164-AN ACT CONCERNING RECOMMENDATIONS BY THE DEPARTMENT OF MOTOR VEHICLES REGARDING THE MOTOR VEHICLE STATUTES.

Effective Date: July 1, 2018

Section 26 of the act allows the fingerprints of an applicant for a public passenger endorsement to operate a school bus to be captured electronically or by other means in accordance with section 29-17a.

PA-18-166-AN ACT CONCERNING THE PREVENTION AND TREATMENT OF OPIOID DEPENDENCY AND OPIOID OVERDOSES IN THE STATE.

Effective Date: July 1, 2018, except upon passage for the Alcohol and Drug Policy Council working group and DOC pilot treatment program provisions.

This act makes various changes to prevent and treat opioid drug abuse:

1. requires the Chief Court Administrator to study the feasibility of establishing an opioid intervention court;

2. prohibits prescribing practitioners from prescribing, dispensing, or administering schedule II to IV controlled substances to themselves or immediate family members, except in emergencies;

3. authorizes prescribing practitioners and pharmacists authorized to prescribe naloxone to enter into an agreement to distribute opioid antagonists to certain entities (e.g., community health organizations and law enforcement agencies);
4. requires the Alcohol and Drug Policy Council to convene a working group to evaluate methods of combating the opioid epidemic;
5. requires any hospital or emergency medical services personnel that treats a patient for an opioid overdose to report such overdose to the Department of Public Health (DPH); and
6. extends a Department of Corrections (DOC) pilot treatment program, expands its scope if federal funds are available, and requires a new report on the program's results by July 1, 2019.

PA-18-167-AN ACT CONCERNING RECOMMENDATIONS BY THE DEPARTMENT OF TRANSPORTATION.

Effective from passage:

Section 8 of the act extends the task force's reporting deadlines, by one year, to (1) July 1, 2019, rather than July 1, 2018, for the interim report and (2) January 1, 2020, rather than January 1, 2019, for the final report. It correspondingly changes the task force's termination date to the day it submits its final report or January 1, 2020, whichever is earlier.

Section 10 of the act requires DOT to establish, within available appropriations, a one-year pilot program to allow vehicles to transport the following structures on limited access highways (other than I-95) during daylight hours: motor homes, modular homes, house trailers, or sectional houses between 14 feet and 16 feet long.

During the pilot program period (July 1, 2018 to July 1, 2019), DOT may grant permits for such travel from 10 A.M. to 2 P.M. Mondays through Thursdays. DOT may issue a permit under the pilot program only if (1) the travel does not obstruct DOT's or any municipality's construction or maintenance activities and (2) it requires the vehicle to have three police escorts, which are responsible for assuring compliance with the permit. The act allows DOT to limit the number of permits to one per day.

By February 1, 2019, DOT must report, in consultation with the departments of motor vehicles and emergency services and public protection, to the Transportation Committee (1) the number of permits issued, (2) the time periods for which they were issued, and (3) any recommendations for statutory changes.

Effective Date: October 1, 2018:

Section 11 of the act creates a specific class C felony offense with a maximum fine of \$ 20,000 for aggravated assault of a public transit employee.

Under the act, a person commits aggravated assault of a public transit employee when he or she assaults a reasonably identifiable public transit employee, with the intent of preventing the employee from performing his or her duties, and in doing so uses, is armed with and threatens to use, or displays or represents by words or conduct that he or she has, a knife, box-cutter, or firearm.

By law, a public transit employee is someone employed by the state, a political subdivision, or transit district or under a contract with the transportation commissioner to provide transportation services, who (1) operates a vehicle or vessel for public ferry or fixed route bus service or has duties directly related to operating the vehicle or vessel or (2) is a train operator, conductor, inspector, signal person, or station agent for public rail service.

Section 12 of the act:

1. expands the types of activities during which these children must wear such protective headgear to include skateboarding, non-motorized scootering, roller skating, and in-line skating;
2. adds parks, including skateboarding parks, to the places where the protective headgear must be worn; and
3. requires that the protective headgear is properly fitted and fastened.

PA-18-187-AN ACT CONCERNING THE BODY-WORN RECORDING EQUIPMENT TASK FORCE.

Effective Date: Upon Passage

The act extends the reporting deadline of the previously established task force to study the use of body-worn recording equipment by state and municipal police. The task force shall submit its findings and recommendations to the judiciary and public safety committees by January 1, 2019.

The act also adds the following to what the task force shall examine:

Under what circumstances, if any, should (A) a police officer be permitted to review a recording from body-worn recording equipment prior to giving a formal statement about the use of force by such officer or another officer, and (B) members of the public or alleged victims or their family members be permitted to review a recording from body-worn recording equipment during an investigation or following an allegation of excessive use of force by a police officer.