

Connecticut
Division of Public Defender Services
Office of Chief Public Defender



2019 Legislative Summary

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

2019 Public and Special Acts

Here is a summary of all Public and Special Acts passed during the *2019 Regular Legislative Session* pertaining to criminal proceedings, juvenile delinquency and child protection.

If there are questions, please contact Deborah Del Prete Sullivan, Legal Counsel, Director, at (860) 509-6405 or deborah.d.sullivan@jud.ct.gov.

Thank you to Ben Daigle, Deputy Assistant Public Defender for his assistance during the 2019 Legislative Session and his contribution pertaining to P.A. 19-90 - *An Act Concerning the Use of Force and Pursuits by Police and Increasing Police Accountability and Transparency*.

CHILDREN/JUVENILES/YOUTH

- **P.A. 19-44 An Act Concerning a Children in Care Bill of Rights and Expectations and the Sibling Bill of Rights**

**Section 1 Children in Care Bill of Rights and Expectations Created
Effective July 1, 2019**

This section is new and creates a bill of rights and expectations for children placed by the Department of Children and Families (DCF) in out-of-home care pursuant to an order of temporary custody or commitment. The rights include among others the right to visitation and ongoing contact with various family members and friends, the provision of a stable home environment, education, life skills, communication and regular in person contact with the DCF caseworker.

**Section 2 Sibling Bill of Rights
Effective July 1, 2019**

This section amends *C.G.S. §17a-10c, Youth Advisory Board. Sibling Bill of Rights*, pertaining to the Youth Advisory Board, which was established by DCF. This legislation requires a DCF caseworker to meet annually with a child that has been placed by DCF in an out-of-home placement pursuant to a temporary custody or commitment order. At the annual meeting, the caseworker is required to provide and review the Sibling Bill of Rights with the child.

➤ **P.A. 19-142 An Act Establishing A Council On The Collateral Consequences Of A Criminal Record**

**Section 1 Council Created
Effective July 1, 2019**

This is new legislation that creates a Council to study discrimination of persons based upon their criminal record. The Council is charged to make recommendations to reduce or eliminate such discrimination.

➤ **P.A. 19-187 An Act Concerning Confidentiality in the Case of a Discretionary Transfer of a Juvenile's Case to the Regular Criminal Docket and Implementing the Recommendations of the Juvenile Justice Policy and Oversight Committee**

**Section 1 Transfer to Regular Docket and Confidentiality
Effective October 1, 2019**

This section amends *C.G.S. §46b-127, Transfer of child charged with a felony to the regular criminal docket. Transfer of youth aged sixteen or seventeen to docket for juvenile matters*, and adds a new subsection (c) pertaining to the confidentiality of juvenile cases transferred to the adult docket. The act requires that the proceedings are private and in a part of the courthouse (or the building) separate from adult case proceedings. Also required is that all records are confidential and maintained in the same manner as juvenile proceedings until a jury verdict or a guilty plea is entered on the regular criminal docket.

The legislation also provides to victims access to the records of a child transferred to the adult court to the same extent as a victim with an adult defendant. However, the legislation prohibits further disclosure of the records.

The act further clarifies the language of the statute that permits the court to transfer the juvenile proceeding from the adult court back to the juvenile court when the charges have been reduced.

**Section 2 Juvenile Justice Policy and Oversight Committee (JJPOC)
Effective October 1, 2019**

The act adds to the mission of the JJPOC to review detention methods of other states for persons ages 15, 16 and 17 who are transferred to the adult court and the transfer process of other states. The focus of the review is outcome measure for juveniles transferred, the impact upon public safety, the effectiveness of the programming and alternatives.

**Section 3 Detention Centers - Best practices
Effective from passage**

This section is new and requires the Department of Correction (DOC) and Court Support Services Division (CSSD) along with DCF to develop a best practices policy for any correctional or detention facility which houses persons ages 17 and younger. Such practices must address suicidal and self-harming behaviors and the development of a screening tool to identify youth at risk for such; the negative effects of solitary confinement and the harmfulness of chemical agents and prone restraints; and programming, services and behavior intervention plans. Any such best practices are to be fully implemented by the DOC and CSSD by July 1, 2021.

In addition, the DOC and CSSD are required to report to the Juvenile Justice Policy and Oversight Committee (JJPOC) (1) any suicidal and other self-harming behaviors, (2) the use of force and physical isolation and (3) any mental health or education concerns, for persons ages 17 and younger.

**Section 4 Use of Chemical Agents or Prone Restraints
Effective July 1, 2020**

This section requires CSSD and DOC to report monthly to the JJPOC the use of chemical agents and prone restraints on persons ages 17 years and younger.

**Section 5 National Prison Rape Elimination Commission
Effective July 1, 2020**

This section requires state agencies to adopt and comply with the National Prison Rape Elimination Commission standards and to certify compliance to the Criminal Justice Policy and Planning Division (CJPAC) of the Office of Policy and Management (OPM).

**Section 6 Mandated Reporters
Effective July 1, 2020**

This section amends *C.G.S. §17a-101, Protection of children from abuse. Mandated reporters. Educational and training programs. Model mandated reporting policy.* It adds to the list of mandated reporters any person who works (employees, subcontractors or independent ombudsmen) at a juvenile detention facility or other facility that houses children under the age of 18 and who has direct contact with the children as part of their employment.

**Section 7 Independent Ombudsperson Services
Effective July 1, 2020**

The legislation creates an independent ombudsperson, provided by CSSD and DOC to receive and investigate complaints from detained juveniles ages 17 and younger and their

parents. The ombudsperson is also charged with recommending a resolution of a complaint having merit to the facility's head.

**Section 8 Family With Service Needs
Effective July 1, 2019**

This section amends subdivision (3) of *C.G.S. §46b-120, Definitions*, as amended by section 146 of P.A. 17-2 of the June Special Session and section 26 of P.A. 18-31. For families with service needs, it extends the petition filing deadline under this definition from June 30, 2019 to June 30, 2020.

**Section 9 Family With Service Needs
Effective July 1, 2019**

This section amends subsection (a) of *C.G.S. §46b-149, Child from family service needs. Complaint. Review by probations officer. Referral for services. Filing of petition or motion. Procedure. Hearing. Order. Modification of conditions. Permanency plan and hearing*, as amended by section 145 of P.A. 17-2 of the June Special Session to extend the petition filing deadline under this statute from June 30, 2019 to June 30, 2020.

**Section 10 Family With Service Needs - Adjudication
Effective July 1, 2019**

This section amends subsections (a) and (b) of *C.G.S. §46b-149f, Child from family service needs Complaint. Review by probations officer. Referral for services. Filing of petition or motion. Procedure. Hearing. Order. Modification of conditions. Permanency plan and hearing*, as amended by section 148 of P.A. 17-2 of the June Special Session to extend the petition filing deadline under this statute from June 30, 2019 to June 30, 2020.

CORRECTION, DEPARTMENT OF

➤ **P.A. 19-80 An Act Concerning Access to Medical Records in the Possession of the
Commissioner of Correction**

**Sec. 1 & 2 Disclosure to Inmate or Legal Representative
Effective October 1, 2019**

This is new legislation that provides disclosure of documents possessed by DOC pertaining to an injury or death of an inmate to the inmate, his/her legal representative or legal representative of their estate within 60 days of receipt of a written request. There are exceptions to the disclosure requirement. The act also provides for an inmate's designation of a family or emergency contact who could have access to such medical information, should the inmate be injured and incapacitated or die.

➤ **P.A. 19-167 An Act Concerning The Release Of Inmates Suffering From Opioid Use Disorder And Repealing Obsolete Department Of Correction Statutes**

**Section 1 Information for Inmates - Opioid Use Disorder
Effective October 1, 2019**

This is new legislation that requires the Commissioner of DOC to provide treatment option information to any inmate, including persons placed on parole, who identifies themselves as suffering from opioid use disorder or who is relapsing into such at least 45 days prior to release from DOC.

**Section 2 General Statutes Repealed
Effective from passage**

The following statutes are repealed:

- | | |
|-----------------------|---|
| C.G.S. §18-10a | Placement of inmate convicted of capital felony or murder with special circumstances. Reclassification. Annual review and report. (Employment of prisoners under death sentence) |
| C.G.S. §18-14a | Correctional Institution, Enfield-Medium
Note: (Enfield closed on January 23, 2018) |
| C.G.S. §18-81s | Pilot program for debit account telephone system |

COURTS

➤ **P.A. 19-64 An Act Concerning Court Operations**

**Section 1 Mandated Reporters - Victim Services Advocates Employed by Judicial
Effective July 1, 2019**

The act amends subsection (b) of *C.G.S. §17a-101, Protection of children from abuse. Mandated reporters. Educational and training programs. Model mandated reporting policy*, to add Victim Services Advocates who are employed by the Judicial Department to the list of persons who are mandated reporters.

**Section 3 Interest of Justice Appointments
Effective July 1, 2019**

The act amends *C.G.S. §46b-136, Appointment of attorney to represent child or youth and parent or guardian*, to provide for the sharing of costs, "as agreed to," in cases in which the court appoints a Public Defender in a juvenile matter in the civil session to provide counsel. In cases where a public defender has been appointed and a party is able to pay, reimbursement shall be ordered to the Division of Public Defender Services (DPDS) and the Judicial Department (Judicial) "to the extent of the party's financial ability to do so." The Office of Chief Public Defender (OCPD)

collaborated with Judicial so language addresses the cost sharing of interest of justice appointments.

The act clarifies the language of the statute in cases when DPDS is required to pay for the cost of representation when appointed by the court in a juvenile matter in the criminal session. However, the court is required to order the party to reimburse DPDS to the extent they are able to, if the party is found able to pay for the costs.

**Section 4-7 Court Reporter, Definitions and Costs of Transcripts
Effective July 1, 2019**

The act amends *C.G.S. §51-60, Appointment of official court reporters; §51-61, Court reporter to be sworn. Duties. Transcript; §51-62 and §51-63* to address cost sharing and rates for transcripts prepared by court reporters for private parties and when a State's Attorney or a Public Defender (including Assigned Counsel) makes a request.

If a State's Attorney or a Public Defender, including an Assigned Counsel, requests a transcript, the court reporter must notify the non-requesting party of it and if the non-requesting party requests a copy, the cost is required to be shared by State's Attorney and Public Defender.

The act amends *C.G.S. §51-63, Salary and fees or Superior Court reporters, monitors, official stenographers of Workers' Compensation Commission*, to permit charging public officials \$2.00 per transcript page, but only once. A court reporter can only charge \$.75 per transcript page for any transcript page previously produced. There is no charge to the court or the state's attorney pursuant to *C.G.S. §51-61(d), Court reporter to be sworn. Duties. Transcript*.

Under the act, court reporters can charge non-public officials \$3.00 per transcript only once. Any subsequent copies are to be charged at the rate \$1.75 per transcript page.

**Section 9 Writs of Error
Effective January 1, 2020**

This section amends *C.G.S. §51-197a, Appeals to Appellate Court. Writs. Transfer of jurisdiction from appellate session*, to transfer jurisdiction over "writs of error" from the Connecticut Supreme Court to the Appellate Court.

**Section 10 Writs of Error
Effective January 1, 2020**

This section is technical in light of the change in Section 9 of the act and amends subsection (b) of *C.G.S. §51-199, Jurisdiction*, by deleting "writs of error" from the list of matters that can be appealed directly to the Connecticut Supreme Court.

Section 11 Technical Change
Effective July 1, 2019

The act makes a technical change to C.G.S. §51-292, *Expenses included in commission's budget*, to provide an exception (C.G.S. §46b-136, *Appointment of attorney to represent child or youth and parent or guardian*) for the payment of reasonable expenses from the DPDS budget.

Section 12 Presentence Investigation Reports – Abridged Versions
Effective October 1, 2019

This section amends C.G.S. §54-91, *When sentence to be passed*, to permit the court to order an abridged version of the presentence report. The abridged version:

“(1) shall contain

- (A) identifying information about the defendant,*
- (B) information about the pending case from the record of the court,*
- (C) the circumstances of the offense,*
- (D) the attitude of the complainant or victim,*
- (E) any damages suffered by the victim, including medical expenses, loss of earnings and property loss, and*
- (F) the criminal record of the defendant, and*

(2) may encompass one or more areas of the social history and present condition of the defendant, including family background, significant relationships or children, educational attainment or vocational training, employment history, financial situation, housing situation, medical status, mental health status, substance abuse history, the results of any clinical evaluation conducted of the defendant or any other information required by the court that is consistent with the provisions of this section. If the court orders an abridged version of such investigation for a felony involving family violence, as defined in section 46b-38a, the abridged version of such investigation shall, in addition to the information set forth in subdivision (1) of this subsection, contain the following information concerning the defendant:

- (A) family background,*
- (B) significant relationships of children,*
- (C) mental health status, and*
- (D) substance abuse history.”*

Section 13 Victim Compensation
Effective July 1, 2019

The act amends subsection (a) of C.G.S. §54-210, *Compensation ordered for expenses, loss of earnings, pecuniary loss and other losses*, to expand the list for which the compensation can be ordered pursuant to C.G.S. §54-201, *Definitions to §54-218*, *Profits derived as result of crime of violence*. *Recovery of money judgment by victim*. *Payment to Criminal Injuries Compensation*

Fund, to include any pecuniary loss to a victim or relatives or dependents of an injured or deceased victim for attendance at juvenile proceedings and Board of Pardons and Parole hearings.

DEFENSES

➤ P.A. 19-27 An Act Concerning Gay and Transgender Panic Defense

Section 1 Gay and Transgender Panic Defense Effective October 1, 2019

This section amends *C.G.S. §53a-13, Lack of capacity due to mental disease or defect as affirmative defense*, to prohibit a defendant from asserting, what is referred to as the “gay and transgender panic defense,” that his/her mental disease or defect was based solely on:

“the discovery of, knowledge about or potential disclosure of the victim's actual or perceived sex, sexual orientation or gender identity or expression, including under circumstances in which the victim made an unwanted, nonforcible, romantic or sexual advance toward the defendant, or if the defendant and victim dated or had a romantic relationship.”

Section 2 Justification Effective October 1, 2019

This section amends *C.G.S. 53a-16, Justification as defense*, to exempt from the definition of justification as a defense the following:

“provocation that resulted solely from the discovery of, knowledge about or potential disclosure of the victim's actual or perceived sex, sexual orientation or gender identity or expression, including under circumstances in which the victim made an unwanted, nonforcible, romantic or sexual advance toward the defendant, or if the defendant and victim dated or had a romantic relationship. As used in this section, ‘gender identity or expression’ means gender identity or expression, as defined in section 53a-181i.”

Section 3 Use of Physical Force Effective October 1, 2019

This section amends *C.G.S. §53a-18, Use of reasonable physical force or deadly physical force generally*, to prohibit the use of physical force upon another:

“solely on the discovery of, knowledge about or potential disclosure of the victim's actual or perceived sex, sexual orientation or gender identity or expression, including under circumstances in which the victim made an unwanted, nonforcible, romantic or sexual advance toward the defendant, or if the defendant and victim dated or had a romantic relationship.”

DOMESTIC VIOLENCE

- **P.A. 19-146 An Act Requiring the Provision of Information Concerning Domestic Violence Services and Resources to Students, Parents and Guardians**

Section 1 Services and Resources to Victims Effective July 1, 2019

This is new legislation which requires the Department of Education to provide victims of domestic violence and students, parents, guardians who express safety concerns due to domestic violence, web-based information regarding services and resources.

EMPLOYMENT BARRIERS

- **P.A. 19-116 An Act Concerning Registries of Person Found Responsible For Assaults or Other Abuse, Neglect, Exploitation or Abandonment of Elderly Persons or Persons With Disabilities**

Section 2 Criminal History and Patient Abuse Background Checks Effective October 1, 2019

This section adds the following statutes that will qualify as a “disqualifying offense” for a nursing home license if a person is so convicted:

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.

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.

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.

53a-61a, Assault of an elderly, blind, disabled or pregnant person or a person with intellectual disability in the third degree: Class A misdemeanor: One year not suspendable.

53a-321, Abuse in the first degree: Class C felony.

53a-322, Abuse in the second degree: Class D felony.

53a-323, Abuse in the third degree: Class A misdemeanor.

FIREARMS

- **P.A. 19-5** **An Act Concerning The Safe Storage Of Firearms In The Home And Firearm Safety Programs In Public Schools**
Effective Dates - various

Section 1 **Any Firearm Regardless of Whether Loaded and Minors Under 18**
Effective October 1, 2019

This section amends *C.G.S. §29-37i, Responsibilities re storage of loaded firearms*, to change the definition of "minor" from under the age of 16 to under the age of 18. It also deletes the word "loaded" when referring to firearms under this statute.

Section 2 **Minors Under 18 Years of Age**
Effective October 1, 2019

This section amends the definition of a minor under *C.G.S. §52-571g, Strict liability of person who fails to securely store a loaded firearm*, from under 16 years of age to under 18 years of age.

Section 3 **Criminally Negligent Storage and Minors Under 18**
Effective October 1, 2019

This section amends *C.G.S. §53a-217a, Criminally negligent storage of a firearm: Class D felony*, to define a minor as under the age of 18 years.

Section 4 **Firearm Safety Programs**
Effective July 1, 2019

This section amends *C.G.S. §10-18b, Development of curriculum for firearms safety programs*, to require the State Board of Education to develop guides for developing firearm safety programs for K through 12 students. The statute continues to permit the State Board of Education to consult with the CT Police Chiefs Association regarding the development of the guides.

Section 5 **Firearm Safety Programs**
Effective July 1, 2019

This section amends *C.G.S. §10-18c, Firearm safety programs. Exemption from participation*, to offer firearm safety programs to grades K-12. Current law provides that the program be offered only to K-8. Students are not required to participate in a program. A parent can have his/her child exempted from participation by indicating such in writing to the local or regional board of education.

➤ **P.A. 19-6 An Act Concerning Ghost Guns**

**Section 1 Unique Serial Numbers – Homemade or 3-D Printed
Effective October 1, 2019**

This section amends *C.G.S. §29-36, Alteration of firearm identification mark, number or name*, to include “unique serial numbers” to the markings on a firearm that cannot be removed, defaced, altered or obliterated. Anyone violating this statute is guilty of a class C felony for which 2 years cannot be suspended or reduced.

**Section 2 Suspension of Prosecution for Violations
Effective October 1, 2019**

This is new legislation that requires anyone who manufactures a firearm to obtain a unique serial number or other mark of identification from the Department of Emergency Services and Public Protection (DESPP) and having it engraved upon the firearm permanently. The section provides a process for persons to be vetted for purchasing of the firearm, exceptions as to who the legislation is applicable and prohibits the transfer of any firearm manufactured in violation of the section.

Subsection (g) of Section 2 provides for a suspension of prosecution for up to 2 years of anyone charged with violating this section if the court finds that the violation “is not of a serious nature,” that the person charged with the violation has not been convicted under this section, will probably not offend in the future and has not had a suspension of prosecution under this section previously.

Upon successful completion of the period of time imposed for the suspension, the person may apply for a dismissal of the charges or the court on its own motion may do so. Once dismissed, all records are to be erased pursuant to *C.G.S. §54-142a, Erasure of criminal records*.

Subsection (h) provides that if a dismissal of the charges is denied, the denial is a final judgment for purposes of appeal. Any person who violates the section is guilty of a class C felony and 2 years cannot be suspended or reduced. Any firearm seized is forfeited.

Lastly, subsection (i) of this Section 2 defines “manufacture” as meaning “to fabricate or construct a firearm including the initial assembly.” The definitions of a “firearm” remains as defined in *C.G.S. §53a-3, Definitions*. “Law enforcement agency” remains as defined in *C.G.S. §29-1i, Missing adult persons*

**Section 3 Retention of Information
Effective from passage**

DESPP in consultation with the federal Bureau of Alcohol, Tobacco, Firearms and Explosives are to develop and maintain a system to distribute the *unique serial numbers* or other

marks of identification. DESPP is required to maintain identifying information of the person who requested the number.

Section 4 3-D Polymer Plastic Firearms - Metal Detectors
Effective October 1, 2019

This section prohibits anyone from manufacturing a firearm made from polymer plastic that "is not as detectible as the security exemplar, by walk-through metal detectors calibrated and operated to detect the security exemplar" once the grips, stocks and magazines are removed.

Section 4 provides for a suspension of prosecution for up to 2 years of anyone charged with violating this section if the court finds that the violation "is not of a serious nature," that the person charged with the violation has not been convicted under this section, will probably not offend in the future and has not had a suspension of prosecution under this section previously.

Upon successful completion of the period of time imposed for the suspension, the person may apply for a dismissal of the charges or the court on its own motion may do so. Once dismissed, all records are to be erased pursuant to *C.G.S. §54-142a, Erasure of criminal records*.

Subsection (h) provides that if a dismissal of the charges is denied, the denial is a final judgment for purposes of appeal. Any person who violates the section is guilty of a class C felony and 2 years cannot be suspended or reduced. Any firearm seized is forfeited.

"Firearm" is defined as in C.G.S. §53a-3, *Definitions*, "but does not include the frame or receiver of any such weapon." "Security exemplar" is defined in 18 USC 922(p).

Section 5 Suspension of Prosecution
Effective from passage

This is new language that prohibits anyone from purchasing, receiving, selling, delivering or otherwise transferring "an unfinished frame or lower receiver," except as permitted pursuant to this act. This section provides that the same "procedures for the purchase or receipt or sale, delivery or other transfer of an unfinished frame or lower receiver" will be the same as for the sale, delivery or transfer of a pistol or revolver and in accordance with this section.

A person cannot sell, deliver or transfer an unfinished frame or lower receiver under this section unless it has the unique serial number or other mark of identification required under this act. The section provides the process for obtaining the serial number or identification mark for unfinished frames or lower receivers from DESPP that must be engraved on such. The section also articulates the exceptions for these requirements.

On and after October 1, 2019, persons are prohibited from possessing an unfinished frame or lower receiver unless the person is eligible to do so under state and federal law.

The act provides for a *suspension of prosecution* for violations of this section which "the court finds are not of a serious nature." Suspension of prosecution is at the court's discretion if it finds the person (1) "will probably not offend in the future," (2) has not been prosecuted for such and (3) has not been granted a suspension of prosecution for such. The term of the suspension of prosecution may be up to 2 years with conditions. If successful completion, the court may dismiss the charges.

However, if a person is convicted under this section, he/she shall be guilty of a class C felony, for which 2 years may not be suspended. A person is guilty of a class B felony if he/she transfers an unfinished frame or lower receiver in violation of the act "knowing" that such is stolen or the identification mark has been altered, removed or obliterated. There is a mandatory 3 year sentence for such a violation.

An "unfinished frame or lower receiver" is not a firearm as defined in the federal statutes but is defined here as "a blank, casting or machined body intended to be turned into the frame or lower receiver of a firearm, as defined in section 53a-3 of the general statutes, with additional machining, and which has been formed or machined to the point where most major machining operations have been completed to turn the blank, casting or machined body into a frame or lower receiver of a firearm, even if the fire-control cavity area of such blank, casting or machined body is still completely solid and unmachined."

➤ **P.A. 19-7 An Act Concerning the Storage of a Pistol or Revolver in a Motor Vehicle**

**Section 1 Pistols & Revolvers In a Motor Vehicle
Effective October 1, 2019**

This is new legislation that requires that a pistol or revolver be in the trunk, a locked safe or a locked glove box in an unattended motor vehicle. It also provides discretion to the court to grant a suspension of prosecution for up to 2 years in cases where the court finds that the violation is not of a serious nature, the person will not offend in the future and has not previously received a suspension of prosecution for a violation of this statute. An alternative basis for the court to grant a suspension of prosecution is if the person "was charged with such violation because of facts or circumstances accurately reported by such person to an organized local police department concerning a lost or stolen firearm in accordance with" C.G.S. §53-202g, *Report of loss or theft of assault weapon or other firearm. Penalty.*

The charges can be dismissed upon successful completion of probation. If the charges are not dismissed, the case will be prosecuted. Any person found guilty of violating the unattended motor vehicle storage law is guilty of a class A misdemeanor for a first offense and a class D felony for any subsequent offense.

The act exempts from its provisions law enforcement including but not limited to the Department of Correction, Division of Criminal Justice Inspectors and the military. The following definitions are applicable:

(A) "unattended motor vehicle" – a motor vehicle is unattended if no person who is at least twenty-one years of age and who is the owner or operator or a passenger of such motor vehicle is inside the motor vehicle or is within close enough proximity to the motor vehicle to prevent unauthorized access to the motor vehicle;

(B) "pistol" and "revolver" as defined in C.G.S. § 29-27;

(C) "motor vehicle" is defined in C.G.S. §14-1; and,

(D) "trunk" is defined as "(i) the fully enclosed and locked main storage or luggage compartment of a motor vehicle that is not accessible from the passenger compartment, or (ii) a locked toolbox or utility box attached to the bed of a pickup truck, as defined in section 14-1 of the general statutes." "Trunk" does not include the rear of a pickup truck, except as otherwise provided, or of a hatchback, station-wagon-type automobile or sport utility vehicle or any compartment that has a window.

ALCOHOL/MOTOR VEHICLE

- **P.A. 19-119 An Act Concerning Motor Vehicle Registration Notice, The International Registration Plan, Carriers, School Buses, The Medical Advisory Board, Reserved Parking Spaces, Autonomous Vehicles And Other Motor Vehicle Statutes**

Section 8 Ignition Interlock Devices – Mandatory Effective October 1, 2019

This section amends *C.G.S. §14-227k, Avoidance of or tampering with ignition interlock device* to add a new subsection (c) prohibiting the reinstatement of a person's license or nonresident operating privilege until the person has installed an ignition interlock device when required to do so under the law.

This section also creates a penalty for anyone who violates this new section making violators subject to the penalties, which include incarceration and/or a fine or both, set forth in subsection (c) of *C.G.S. §14-215, Operation while registration or license is refused, suspended or revoked. Operation in violation of restriction or limitation on operator's license or right to operate motor vehicle that requires use of ignition interlock device. Penalty*

- **P.A. 19-17** **An Act Concerning Workers' Compensation Benefits For Certain Mental Or Emotional Impairments, Mental Health Care For Police Officers And Wellness Training For Police Officers, Parole Officers And Firefighters**

Section 6 **Criminal Possession of a Pistol or Revolver - Exception**
Effective October 1, 2019

This section amends subsection (4)(A) of *C.G.S. §53a-217c, Criminal possession of a pistol or revolver: Class C felony*. Current law makes criminal possession of a pistol or revolver applicable to persons possessing a firearm or pistol who were voluntarily admitted into a hospital for persons with psychiatric disabilities within the prior 6 months for treatment of such. The legislation creates an exemption for police officers who were voluntarily admitted and subsequently had returned to them their weapon for use (firearm, ammunition or electronic defense) in the performance of their official duties. (The act does not change the penalties for the offense which is a class C felony.)

FREEDOM OF INFORMATION

SEE:

- **P.A. 19-30** **An Act Concerning the Transfer of Law Enforcement Agency Records Between Agencies**
- **P.A. 19-43** **An Act Concerning the Confidentiality of Law Enforcement Records Concerning Victims of Sexual Assault and Family Violence**

IMMIGRATION

- **P.A. 19-20** **An Act Concerning the Trust Act**

NOTE: *This act was amended by P.A. 19-23, An Act Concerning Amendments to the Trust Act.*

Section 1 **Definitions**
Effective October 1, 2019

Subsection (a) of this section provides and/or amends definitions for administrative warrants, civil immigration detainers, confidential information, Immigration and Customs Enforcement (ICE), accessibility and actions by ICE, Judicial officer, law enforcement agency and school police or security department.

Subsection (b) is amended to prohibit law enforcement or employee of a school police or security department from arresting or detaining certain person based upon a civil immigration

detainer unless it is accompanied by a warrant signed by a judicial officer as defined in subsection (a). It also prohibits them from:

using resources regarding a person's status or release or to communicate with ICE unless it is pursuant to the criteria outlined subsection (e);

a number of other actions that ICE cannot take, including access to the person for purposes of an interview; or,

disclosure of confidential information obtained with consent or if in furtherance of a terrorism investigation or as required by law.

Subsection (c) is deleted from the statute in its entirety. This subsection articulated that once law enforcement decided to detain or release a person on a civil immigration detainer, they would notify U.S. Immigration and Customs Enforcement of a 48-hour hold on the person. If the person was not taken into custody, the person was released.

The remainder of the act is new language. Subsection (e) provides the process for law enforcement if they receive a civil immigration detainer. The process includes providing to the subject of the detainer, or to their attorney, a copy of the detainer and notice as to why law enforcement is complying with the detainer.

➤ **P.A. 19-23 An Act Concerning Amendments to the Trust Act**

NOTE: *This act amends P.A. 19-20, An Act Concerning the Trust Act.*

Section 1 Definitions
Effective October 1, 2019

Section 1 amends subdivisions (9) and (10) of subsection (a) of *C.G.S. §54-192h, Civil immigration detainer*, as amended by section 1 of P.A. 19-20. It provides definitions for bail commissioner or intake, assessment or referral specialists and provides the same prohibitions to them in their employment as applicable to law enforcement as legislated in P.A. 19-20.

The bill makes amendments to P.A. 19-20 to permit law enforcement, employees of a school police or security department or a bail commissioner or intake, assessment or referral specialists to arrest or detain a person who is subject to a civil immigration detainer only if it is accompanied by a judicial warrant, the person has been convicted of a class A or B felony or the person has been identified as a possible match in the "federal Terrorist Screening Database."

In addition, the act permits state and local officials to give federal immigration the authority to interview persons in law enforcement custody if the person has been convicted of a class A or B felony or identified as a possible match in the "federal Terrorist Screening Database".

Section 3 Good Faith Effort
Effective October 1, 2019

NOTE: *This section amends section 1 of P.A. 19-20.*

This section amends subsection (e) of *C.G.S. §54-192h, Civil immigration detainer*, as amended by section 1 of P.A. 19-20. The law requires notice by law enforcement to ICE of a person's release and that a copy be provided to the person or his/her attorney. This amendment requires that a copy of the notice be provided either to the person or their attorney or that law enforcement agencies make a good faith effort to contact a person designated by the affected person.

JAILHOUSE WITNESSES

➤ **P.A. 19-131 An Act Concerning The Testimony Of Jailhouse Witnesses**

NOTE: *This act was amended by P.A. 19-132, An Act Concerning Revisions To Various Statutes Concerning The Criminal Justice System And Revising Provisions Concerning Jailhouse Witnesses*

Section 1 Mandatory Disclosure of Jailhouse Witness Information Upon Request
Effective October 1, 2019

This is new legislation which permits a defendant, in any criminal proceeding, to file a motion requesting whether the prosecutor will be introducing jailhouse witness testimony. Within 45 days, the prosecutor is required, without a court order, to disclose to the defendant whether he/she intends to do so and if so, provide the following to the defendant:

- “(1) The complete criminal history of any such jailhouse witness, including any charges pending against such witness, or which were reduced or dismissed as part of a plea bargain;*
- (2) The jailhouse witness's cooperation agreement with the prosecutorial official and any benefit that the official has provided, offered or may offer in the future to any such jailhouse witness;*
- (3) The substance, time and place of any statement allegedly given by the defendant to a jailhouse witness, and the substance, time and place of any statement given by a jailhouse witness implicating the defendant in an offense for which the defendant is indicted;*
- (4) Whether at any time the jailhouse witness recanted any testimony subject to the disclosure and, if so, the time and place of the recantation, the nature of the recantation and the name of any person present at the recantation; and*

(5) Information concerning any other criminal prosecution in which the jailhouse witness testified, or offered to testify, against a person suspected as the perpetrator of an offense or defendant with whom the jailhouse witness was imprisoned or otherwise confined, including any cooperation agreement with a prosecutorial official or any benefit provided or offered to such witness by a prosecutorial official."

Section 1 defines a "benefit" as "any plea bargain, bail consideration, reduction or modification of sentence or any other leniency, immunity, financial payment, reward or amelioration of current or future conditions of incarceration offered or provided in connection with, or in exchange for, testimony that is offered or provided by a jailhouse witness."

"Jailhouse witness" is defined as "a person who is incarcerated at the time that he or she offers or provides testimony concerning statements made by a person suspected as the perpetrator of an offense or a defendant."

NOTE: *The definition of jailhouse witness was changed by the passage of P.A. 19-132, Section 6.*

The legislation also grants discretion to the court to extend the time within which the prosecutor must disclose the information. The court also has the discretion to order that any information disclosed be viewed only by defense counsel and not the defendant or other parties if the court makes a finding that there is a possibility of bodily harm to the jailhouse witness.

Section 2 Hearing to Determine Reliability and Admissibility of Testimony Effective October 1, 2019

This is new legislation which requires that the court hold a hearing in cases to determine whether the testimony of the jailhouse witness is reliable and admissible in cases where the defendant is charged with violating any of the following:

C.G.S. §53a-54a, Murder.

C.G.S. §53a-54b, Murder with special circumstances.

C.G.S. §53a-54c, Felony murder.

C.G.S. §53a-54d, Arson murder.

C.G.S. §53a-70, Sexual assault in the first degree: Class B or A felony.

C.G.S. §53a-70a, Aggravated sexual assault in the first degree: Class B or A felony.

C.G.S. §53a-70c, Aggravated sexual assault of a minor: Class a felony.

The prosecutor has the burden by a preponderance of the evidence to show that the jailhouse witness's testimony is reliable in order to have the testimony admitted.

NOTE: *P.A. 19-132 changes this burden from preponderance to a prima facie showing and permits the admission of hearsay and secondary evidence at these hearings.*

The court is required to determine the reliability of the testimony, after consideration of factors (1) - (5) articulated in Section 1 and the following:

NOTE: *P.A. 19-132 amends this section to not require the consideration of the following factors.*

"(1) The extent to which the jailhouse witness's testimony is confirmed by other evidence;

(2) The specificity of the testimony;

(3) The extent to which the testimony contains details known only by the perpetrator of the alleged offense;

(4) The extent to which the details of the testimony could be obtained from a source other than the defendant; and

(5) The circumstances under which the jailhouse witness initially provided information supporting such testimony to a sworn member of a municipal police department, a sworn member of the Division of State Police within the Department of Emergency Services and Protection or a prosecutorial official, including whether the jailhouse witness was responding to a leading question."

**Section 3 Prosecutors and Collection of Data
Effective October 1, 2019**

This section requires each State's Attorney's office to track the following and provide it to OPM to facilitate a statewide record of the materials. The legislation mandates that the information is confidential not subject to disclosure under the Freedom of Information statutes.

➤ **P.A. 19-132 An Act Concerning Revisions To Various Statutes Concerning The Criminal Justice System And Revising Provisions Concerning Jailhouse Witnesses**

NOTE: *Certain sections of P.A. 19-131 pertaining to Jailhouse Witnesses have been amended.*

**Section 2 Emancipated Minor - Execution of Releases
Effective October 1, 2019**

This section amends *C.G.S. 46b-150d, Effect of emancipation*, regarding the effects that an emancipated minor has under the law. Among them is the right to execute a release in their own name under *C.G.S. §14-188, Release of security interest*. While the specific reference to §14-188 has been deleted, the right of an emancipated minor to execute a release remains.

**Section 3 Recording By or At The Direction Of Law Enforcement
Effective October 1, 2019**

This section amends subdivision (1) of subsection (b) of C.G.S. §52-570d, *Action for illegal recording of private telephonic communications* to exempt from the statute's requirements. The statute currently prohibits the recording of telephone conversations unless all parties consent in writing or prior to the start of the recording, a notice is provided at the start of the communication or there is an automatic tone warning device which gives a signal every 15 seconds during the recording of the communication. The statute provides certain exemptions to these requirements such as law enforcement in the discharge of their duties. This legislation adds to the list of exemptions, agents of law enforcement, including those who record at the request of law enforcement.

**Section 4 Assault In The Second Degree With A Firearm
Effective October 1, 2019**

This section amends subsection (b) of C.G.S. §53a-60a, *Assault of an elderly, blind or pregnant person or a person with intellectual disability in the second degree: Class D felony: Two years not suspendable*, to provide an enhanced penalty for violating. The legislation creates a class C felony if there is a serious physical injury, with a mandatory minimum sentence of 1 year.

**Section 6 Jailhouse Witness - NEW Definition
Effective October 1, 2019**

NOTE: *This Amends Section 6 of P.A. 19-131, Jailhouse Witness.*

This deletes the definition of "jailhouse witness" previously adopted in subsection (d) of Section 1 of P.A. 19-131 and redefines the witness to be:

"a person who offers or provides testimony concerning statements made to such person by another person with whom he or she was incarcerated, or an incarcerated person who offers or provides testimony concerning statements made to such person by another person who is suspected of or charged with committing a criminal offense."

**Section 7 Reliability Hearing
Effective October 1, 2019**

NOTE: *This Section Amends Section 1 of P.A. 19-131.*

This section amends Section 2 of P.A. 19-131 regarding the reliability hearing to permit the admission of hearsay or secondary evidence.

It also changes to burden from a preponderance of the evidence standard to a prima facie showing.

Lastly, this section permits, but does not require, the court to consider the following factors:

- “(1) The extent to which the jailhouse witness's testimony is confirmed by other evidence;*
- (2) The specificity of the testimony;*
- (3) The extent to which the testimony contains details known only by the perpetrator of the alleged offense;*
- (4) The extent to which the details of the testimony could be obtained from a source other than the defendant; and*
- (5) The circumstances under which the jailhouse witness initially provided information supporting such testimony to a sworn member of a municipal police department, a sworn member of the Division of State Police within the Department of Emergency Services and Protection or a prosecutorial official, including whether the jailhouse witness was responding to a leading question.”*

JURORS

- **P.A. 19-151 An Act Establishing A Task Force To Study The Juror Selection Process, Providing Access To Certain Records Possessed By The Department Of Mental Health And Addiction Services, Connecticut Valley Hospital And The Psychiatric Security Review Board And Concerning Sentencing Of Persistent Larceny Offenders And Confidentiality Upon Application To A Diversionary Program.**

Section 1 Juror selection and data analysis of jurors Effective from passage

Section 1 is new legislation which establishes a task force to study the jury selection process in Connecticut. The Chief Public Defender is on the task force with Judicial, the Division of Criminal Justice, the Office of the Attorney General, Connecticut law schools and various bar associations. A report on the task force's findings and recommendations are due to the General Assembly by July 1, 2020.

Section 2 Access to PSRB Surveillance Videos Effective from passage

This is new legislation which provides to defense counsel access to certain media surveillance records possessed by Department of Mental Health and Addiction Services (DMHAS), Connecticut Valley Hospital (CVH) and the Psychiatric Security Review Board (PSRB). The act creates a process which provides access to counsel of record while maintaining confidentiality for non-client patients.

**Section 3 Persistent Larceny Offender
Effective October 1, 2019**

This amends subsection (e) of C.G.S. §53a-40, *Persistent offenders: Definitions; defense; authorized sentences; procedure*, to provide a 10 year look-back for persons charged as a persistent larceny offender. As a result, only convictions for larcenies in the 4th, 5th or 6th degrees committed during the 10 years prior to the larceny for which the defendant is currently charged can be used as a basis to charge a person as a persistent larceny offender.

The act also amends subsection (m) and changes the penalty for anyone found to be a persistent larceny offender who is convicted of a violation after October 1, 2019 after October 1, 2019 to permit the court to impose a sentence as follows:

“(A) imprisonment for a class E felony authorized by section 53a-35a, if such person presently stands convicted of a violation of section 53a-125, or

(B) imprisonment authorized by section 53a-36 for the next more serious degree of misdemeanor authorized under section 53a-36 if such person presently stands convicted of a violation of section 53a-125a or 53a-125b.”

**Sec. 4-6 Time of Sealing the Court File for Diversionary Programs
Effective from passage**

These sections amend only 3 statutes to pertaining to sealing of the court file in diversionary programs to provide consistency among the programs. (The act does not address the family violence program.) Such sealing shall be upon the application by the person:

Subsection (a) of C.G.S. §54-56g Pretrial Alcohol Education Program;

Subsection (b) of C.G.S. §54-56i Pretrial Drug Education & Community Service Program;

Subsection (a) of C.G.S. §54-56j School Violence Prevention Program for Students of a Public or Private Secondary School

JUVENILES

- **P.A. 19-110 An Act Concerning The Suspension Of Delinquency Proceedings For Treatment Or Other Services In Motor Vehicle Theft Or Misuse Cases And Detention Of Juveniles**

**Section 1 Suspension of Delinquency Proceedings
Effective October 1, 2019**

The act provides for a suspension of the delinquency proceedings for up to 6 months for any child charged, but not adjudicated as delinquent, for an offense involving a motor vehicle.

The juvenile must file a motion for a suspension of the proceedings not later than 10 days after a plea is entered, unless waived by the court, or upon stipulation by the parties. The period of suspension can be granted for a period of up to 6 months within which the juvenile could be ordered to participate in services to address his/her behavior or any condition which is "directly" related to the offense charged and be monitored by a probation officer. In order for a suspension of the proceedings to be granted, the court must find that the child will benefit from the suspension and that the suspension will "advance the interests of justice." The juvenile must agree to the assessment, cooperating and participating in the completion of recommended services and complying with any order of the court. Assessments can only be used to determine whether services are appropriate and the proceedings suspended.

If a motion for suspension of the juvenile proceedings is denied, the delinquency proceedings shall continue. Such denial will not be a final order for appeal purposes.

However, if a suspension of the proceedings is granted, then at least one month before the end of the suspension of the delinquency proceedings the juvenile probation officer is required to submit a report to the court as to the juvenile's participation and compliance with conditions. If necessary for the juvenile to complete treatment or services, an extension of time of up to 6 months can be granted. The court can dismiss the charge on its own or on the juvenile's motion.

If, however, the court denies a motion for dismissal, the delinquency proceedings will proceed. Anyone charged with a serious juvenile offense, as defined in **G.G.S. §46b-120, Definitions** or who had been granted a suspension of prosecution in the past pursuant to subsection (b) of this section, is ineligible for a suspension of prosecution.

The act utilizes the definition of a child as defined in *C.G.S. §46b-120, Definitions*. A "delinquency offense involving a motor vehicle" is defined as any offense under:

- (A) Subdivision (1) of subsection (a) of *C.G.S. §53a-119b, Using motor vehicle or vessel without owner's permission. Interfering or tampering with a motor vehicle. First offense: Class A misdemeanor. Subsequent offense: Class D felony;*
- (B) *C.G.S. §53a-126a, Criminal trover in the first degree: Class D felony, first offense; class C felony, subsequent offense;*
- (C) *C.G.S. §53a-126b, Criminal trover in the second degree: Class A misdemeanor, when the property consists of a motor vehicle;*
- (D) subdivision (3) of subsection (a) of *C.G.S. §53a-122, Larceny in the first degree: Class B felony;*

(E) subdivision (1) of subsection (a) of C.G.S. §53a-123, *Larceny in the second degree: Class C felony*; or

(F) Subdivision (1) of subsection (a) of C.G.S. §53a-124, *Larceny in the third degree: Class D felony*.

Section 2 Child as a Risk to Public Safety
Effective July 1, 2019

This is new language which amends C.G.S. §46b-133, *Arrest of child. Notice of arrest. Release or detention of arrested child. Alcohol or drug testing or treatment as condition of release. Admission of child to juvenile detention center. Entry of take into custody order or other process computer system. Duration of order to detain*, to add a new section (k) for purposes of subsections (c) and (e) of the statute. It specifies that a juvenile may be found a risk to public safety for purposes of any order to detain, if the juvenile has:

- (1) been previously “adjudicated as delinquent for or convicted of or pled guilty or nolo contendere to any two or more felony offenses”
- (2) “has had two or more prior dispositions of probation” and
- (3) is currently charged with a larceny pursuant to subdivision (3) of subsection (a) of section 53a-122, *Larceny in the first degree: Class B felony*, or subdivision (1) of subsection (a) of section 53a-123, *Larceny in the second degree: Class C felony*, or subdivision (1) of subsection (a) of section 53a-124, *Larceny in the third degree: Class D felony*.

➤ **P.A. 19-135 An Act Concerning the Suspension of Delinquency Proceedings for Fire Starting Behavior Treatment**

Section 1 Suspension of proceedings
Effective July 1, 2019

This legislation permits a suspension of the juvenile delinquency proceedings for a child charged with an act of fire starting. “An act of fire starting” is defined as:

“(1) *conduct that causes an explosion or a fire to start, regardless of whether such explosion or fire results in an injury to a person or animal or damage to property, or*

(2) planning or preparing to cause an explosion or start a fire.”

A motion for the suspension of the proceedings must be filed by the child not later than 10 days after entering a plea unless waived by the court or by agreement of the parties. The court has the discretion to order that the child be evaluated for a fire starting behavior treatment program and suspend the proceedings during treatment if it finds that the child will benefit

from the treatment and the suspension will “advance the interests of justice.” A suspension of the proceedings may be ordered for up to 1 year during which the child is required to participate in the fire starting behavior treatment program and monitored by a probation officer.

Any child charged with a serious juvenile offense pursuant to *C.G.S. §46b-120, Definitions*, or who had previously been ordered to undergo an evaluation and treatment under this section is prohibited from participation in this program.

If the court denies the motion for suspension of the proceedings, the juvenile delinquency proceedings may proceed. Any order granting or denying a motion for suspension is not appealable.

If the motion for suspension of the proceedings is granted, the matter can be dismissed upon a report from the probation officer as to successful completion of the program and compliance with any other conditions imposed.

LAW ENFORCEMENT / POLICE

- **P.A. 19-30 An Act Concerning the Transfer of Law Enforcement Agency Records Between Agencies**

- Section 1 Transfer of Records - No Liability
Effective July 1, 2019**

This is new legislation which exempts from liability further disclosure of any records disclosed by one law enforcement agency to another, if such records could be withheld under the freedom of information statutes.

- **P.A. 19-188 An Act Concerning The Protection Of Confidential Communications Between A First Responder And A Peer Support Team Member**

- Section 1 Communications Not Subject to Disclosure In Court Proceedings
Effective October 1, 2019**

This is new legislation which protects all “confidential communications,” oral or written, between a first responder (includes peace officers and firefighters) and a peer support team member who directs or staffs a peer support program. Such communications cannot be disclosed to anyone, including in civil, criminal legislative or administrative proceedings, without the first responder waiving the privilege created by this legislation.

MANDATED REPORTERS

➤ P.A. 19-64 An Act Concerning Court Operations

Section 1 Mandated Reporters – Victim Services Advocates Employed by Judicial Effective July 1, 2019

The act amends subsection (b) of *C.G.S. §17a-101, Protection of children from abuse. Mandated reporters. Educational and training programs. Model mandated reporting policy*, to add Victim Services Advocates who are employed by Judicial to the list of persons who are mandated reporters.

➤ P.A. 19-120 An Act Concerning The Inclusion Of Additional Mandated Reporters, The Duration Of Child Abuse And Neglect Investigations, Child Abuse And Neglect Registry Checks And The Repeal Of Certain Reporting Requirements Of The Department Of Children And Families

Section 1 Additional Persons as Mandated Reporters Effective October 1, 2019

This section amends subsection (b) of *C.G.S. §17a-101, Protection of children from abuse. Mandated reporters. Educational and training programs. Model mandated reporting policy*, and adds to the list of mandated reporters, any person under contract with DCF who has regular contact with and provides services to children, victim services advocates employed by Judicial's Office of Victim Services and employees of any juvenile justice program under contract with or operated by CSSD.

Section 2 DCF Investigation Time Period Effective July 1, 2019

This section amends subsection (a) of *C.G.S. §17a-101g, Classification and evaluation of reports. Determination of abuse or neglect of child. Investigation. Notice, entry of recommended finding. Referral to local law enforcement authority. Home Visit. Removal of child in imminent risk of harm. Family assessment response program. Development of service plans and plans of care. Monitoring. Disclosure of information to community providers. Annual report*, to change the way the time period within which an investigation into child abuse or neglect must be completed from 45 "calendar" days to 33 "business" days.

Section 3 Vendor Check – Any State Child Abuse and Neglect Registry Effective July 1, 2019

This section amends subsection (b) of *C.G.S. §17a-6a, Commissioner to require applicants, vendors and contractors to submit to state and national criminal history records check and state child abuse registry checks*, to require that all DCF vendors submit to a child

abuse and neglect registry check in any state in which the vendor resided in the previous 5 years.

**Section 4 Child Abuse and Neglect Registry Checks – Foster or Adoption
Effective July 1, 2019**

This section requires anyone to undergo a child abuse and neglect registry check not only in Connecticut but also in any state in which the person previously lived for the past 5 years in order to be licensed or approved for foster care or adoption.

**Section 5 Child Abuse and Neglect Registry Checks of Certain Employees
Effective July 1, 2019**

This section amends subsection (a) of *C.G.S. §17a-151, Investigation. Issuance of license or provisional license. Revocations, suspension or limitation of license. Appeal*, to require any employee of a childcare facility to submit to a check of any child abuse and neglect registry in Connecticut and in any state in which the person resided for the past 5 years.

**Section 6 Statutes Repealed
Effective July 1, 2019**

The act repeals the following statutes:

C.G.S. §17a-62, Commissioner of Children and Families to monitor certain at-risk children and youth. Annual report to General Assembly.

C.G.S. §17a-103, Reports by other. False Reports. Notification to law enforcement agency.

MOTOR VEHICLES

- **P.A. 19-53 An Act Concerning Negligent Homicide with a Motor Vehicle and Illegal Racing**

**Section 1 Moving Violations - Motor Vehicle Operator's Retraining Program
Effective October 1, 2019**

This section amends subsection (a) of *C.G.S. §14-111g, Operator's retraining program*, pertaining to moving violations and suspension violations for purposes of required attendance at a motor vehicle operator's retraining program. The section adds violations of subdivision (1) of subsection (c) 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*, to the list of violations for which a person would be required to attend the program.

**Section 2 Negligent Homicide with a Motor Vehicle – Penalty Enhanced
Effective October 1, 2019**

This section amends *C.G.S. §14-222a, Negligent homicide with a motor vehicle or commercial moto vehicle*, to increase the penalty for a violation which causes the death of another, from incarceration of not more than 6 months and a fine of up to and including \$1000 to incarceration of not more than 3 years and a fine not more than \$3500, or both.

**Section 3 Racing Penalty
Effective October 1, 2019**

This section amends subsection (g) 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*, and provides that the penalty for operating a motor vehicle on a public highway for a wager, racing, or to create a speed record is a fine of \$150 to \$600 or incarceration of not more than 1 year or both. The penalty for a subsequent offense is a fine of \$300 to \$1000 or incarceration of not more than 1 year, or both.

NARCOTICS

➤ **P.A. 19-38 An Act Increasing the Penalties for the Sale of Fentanyl**

**Section 1 Fentanyl as Narcotic
Effective October 1, 2019**

This section amends subdivision (30) of *C.G.S. §21a-240, Definitions*, to include in the definition of "narcotic substance:"

"(iv) (I) fentanyl or any salt compound, derivative or preparation of fentanyl which is similar to any such substance in chemical structure or which is similar to any such substance in physiological effect and which shows a like potential for abuse, which is a controlled substance under this chapter unless modified, or (II) any salt, compound, isomer, derivative or preparation of any such substance which is chemically equivalent or identical to any substance referred to in subclause (I) of this clause; "

PAROLES, BOARD OF PARDONS AND

➤ **P.A. 19-84 An Act Concerning Minor Revisions to Special Parole and Parole
Discharge Statutes**

**Section 1 Victim Notification
Effective October 1, 2019**

This is new legislation that requires the Office of Victim Services within Judicial to provide notice to registered victims of the intent of the Board of Pardons and Paroles (BOPP) to

consider termination of a person's special parole. A victim may submit a statement to the Board as to whether special parole should be terminated.

**Section 2 Termination of Special Parole Without a Court Order
Effective from passage**

This section amends *C.G.S. §54-129, Discharge of paroled prisoner*, to permit the BOPP to terminate a person's period of special parole, without a court order, before the person has finished the period of such.

**Section 3 BOPP Panels of Three
Effective from passage**

This section requires that there be 3 members of the BOPP on the panel which terminates a person's special parole or discharges a person from special parole.

**Section 4 BOPP and Independent Decision Making Authority
Effective from passage**

This section amends subsection (f) of *C.G.S. §54-124a, Board of Pardons and Paroles*, to provide independent decision-making authority to the BOPP in its decision making authority regarding the discharge of a person from special parole or termination of a person's special parole.

POLICE

➤ **P.A. 19-90 An Act Concerning the Use of Force and Pursuits by Police and Increasing Police Accountability and Transparency.**

**Section 1 Chokeholds and Other Restraints
Effective October 1, 2019**

This section amends *C.G.S. §7-282e, Recording of incidents of use of physical force or discharge of a firearm*, to add incidents regarding which each law enforcement unit must create and maintain a record; the law adds "using a chokehold or other method of restraint applied to the neck area of another person" (as an example of "physical force that is likely to cause serious physical injury...") and adds "engages in a pursuit, as defined in subsection (a) of section 14-283a..."

The law requires each law enforcement unit, not later than February 1, 2020, and annually thereafter, to prepare and submit to the Office of Policy and Management (OPM) a report concerning incidents of police officers': use of physical force likely to cause serious physical injury, discharge of firearms, and engagement in pursuits.

**Section 2 Public Disclosure of Body Cam & Dashboard Camera Recordings
Effective October 1, 2019**

This section amends subsection (f) of *C.G.S. §29-6d, Use of body-worn recording equipment. When recording prohibited. Retention of data*, to require the public disclosure of body camera and dashboard camera recordings, upon request and subject to existing provisions, where a police officer is giving a formal statement about the use of force or is the subject of a disciplinary investigation in which such a recording is part of a review of the incident. The law requires such disclosure not later than forty-eight hours following an officer's review of a recording, or if the officer does not review the recording, not later than ninety-six hours following the recorded incident, whichever is earlier.

**Section 3 Disclosure of Incident Investigation Reports - Physical Force
Effective October 1, 2019**

This section amends *C.G.S. § 51-277a, Investigation of the use of physical force by a peace officer that results in death of another person*, to require that the Division of Criminal Justice:

- 1) investigate whenever a peace officer uses deadly force as defined in G.G.S. §53a-3; and
- 2) on and after January 1, 2020, prepare a preliminary status report including at least certain specified information whenever a peace officer uses physical force upon someone and the person dies as a result.

DCJ is required to submit such a report to the General Assembly not later than five business days after the cause of death is available. It is also required to publish its final incident investigation report on its website not later than forty-eight hours after copies of such report are provided to both the chief executive officer of the municipality in which the incident occurred and the local Chief of Police or the Commissioner of Emergency Services and Public Protection, as appropriate.

**Section 4 No Deadly Force to Stop Escape for Alleged Felony Attempt
Effective October 1, 2019**

This section amends subsection (c) of *C.G.S. §53a-22, Use of physical force in making arrest or preventing escape*, to remove the authorized use of deadly force by law enforcement authorities in preventing the escape from custody of a person reasonably believed to have *attempted* to commit a felony which involved the infliction or threatened infliction of serious physical injury. The remaining authorized uses remain unchanged, including the use of deadly force to prevent the escape from custody of a person reasonably believed to have *committed* such felony.

**Section 5 Pursuit Regulations Required to be Updated
Effective October 1, 2019**

This section amends *C.G.S. §14-283a, Adoption of statewide policy for pursuits by police officers. Reports*, to make technical changes and to incorporate *C.G.S. §7-294a, Police Officer Standards and Training Council: Definitions* and:

ensure the periodic adoption and updating of regulations regarding the statewide policy for handling pursuits by police officers,

prohibit a police officer engaged in a pursuit from discharging any firearm into or at a fleeing motor vehicle unless such officer has a reasonable belief that there is an imminent threat of death to such officer or another person posed by the fleeing vehicle or an occupant thereof,

prohibit a police officer from intentionally positioning his or her body in front of a fleeing motor vehicle unless such action is a tactic approved by the law enforcement unit that employs such officer, and

require the law enforcement unit which initiated a pursuit to immediately notify the law enforcement unit of any other jurisdiction the pursuit enters, upon such entry.

**Section 6 Police Transparency and Accountability Task Force
Effective from passage**

This section of the act establishes a task force to study police transparency and accountability. The task force is charged with examining: (1) Police officer interactions with individuals who are individuals with a mental, intellectual or physical disability; (2) the feasibility of police officers who conduct traffic stops issuing a receipt to each individual being stopped that includes the reason for the stop and records the demographic information of the person being stopped; and (3) any other police officer and transparency and accountability issue the task force deems appropriate. This section also sets the membership of the task force; requires a preliminary report on findings and any relevant legislative recommendations to the General Assembly by January 1, 2020; requires a final report by December 31, 2020; and provides for the termination of the task force upon its submission of its final report or December 31, 2020, whichever is earlier.

**Section 7 Police Officer Standards and Training (POST)
Effective from passage**

This section requires the Police Officer Standards and Training (POST) Council to:

- a) study and review the use of firearms by police officers engaged in a pursuit, and
- b) not later than February 1, 2020, report its findings and any relevant legislative recommendations to the General Assembly.

**Section 7 POST – Study and Review of Use of Firearms During Pursuit
(Effective from passage)**

This section of the act requires the Police Officer Standards and Training (POST) Council to: a) study and review the use of firearms by police officers engaged in a pursuit, and b) not later than February 1, 2020, report its findings and any relevant legislative recommendations to the General Assembly. The section requires the creation of police use-of-force reports to be submitted to the Office of Policy and Management, which will then report the information to the General Assembly.

➤ **P.A. 19-108 An Act Concerning Motor Vehicle Inspectors as Peace Officers**

**Sec. 1-9 Peace Officer Defined
Effective October 1, 2019**

These sections amend all statutes pertaining to the definition of peace office to include Department of Motor Vehicle Inspectors who have been certified under the statutes.

PROSECUTORS - TRANSPARENCY

➤ **P.A. 19-59 An Act Increasing Fairness and Transparency in the Criminal Justice System**

**Sec. 1 & 2 Data Collection by Prosecutors
Effective July 1, 2019**

Both sections are new legislation which requires the Division of Criminal Justice to collect case level data on adult cases, by docket number, pertaining to defendants ages 18 and older and provide it to the Office of Policy and Management (OPM) no later than July 1, 2020, and annually thereafter:

- “(1) Arrests, including data on citations, summonses, custody arrests, warrants and on-site arrests;*
- (2) Arraignments of individuals in custody;*
- (3) Continuances;*
- (4) Diversionary programs, including data on program applications, program diversions, successful completions by defendants of such programs, failures by defendants to complete such programs and people in diversion on the first of the month;*
- (5) Contact between victims and prosecutorial officials, including data on cases involving victims;*
- (6) Dispositions, including data on pending cases and cases disposed of;*
- (7) Nonjudicial sanctions, including data on nonjudicial sanctions applied, successful completion of nonjudicial sanctions, failure of nonjudicial sanctions and persons on nonjudicial sanction status on the first of the month;*

- (8) *Plea agreements, including data on total plea agreements, agreements involving probation, agreements involving prison, other agreements and prosecutor's last best offer;*
- (9) *Cases going to trial, including data on cases added per month, pending trial cases, plea offers accepted by the court per month, plea offers rejected by the court per month, disposition by trial, disposition involving probation, disposition involving prison and other dispositions;*
- (10) *Demographics, including data on race, sex, ethnicity and age;*
- (11) *Court fees or fines, including those imposed by the court at the disposition of the defendant's case and any outstanding balance the defendant may have on such fees or fines;*
- (12) *Restitution amounts ordered pursuant to subsection (c) of section 53a-28 of the general statutes, including any amount collected by the court and any amount paid to a victim; and*
- (13) *The zip code of the defendant's primary residence."*

The act prohibits disclosure of information that identifies the victim.

**Section 3 Public Defenders Provide Representation at Parole Revocation Hearings
Effective July 1, 2019**

This is new legislation which creates a pilot program for the Office of Chief Public Defender (OCPD) to provide legal representation to persons in parole revocation proceedings. A report pertaining to such is required by January 1, 2021 and annually thereafter to OPM disclosing the number of preliminary hearings and final parole revocation hearings and the outcomes of such. The biennial budget provided funding for 4 positions to staff the Parole Revocation office of the OCPD.

**Section 4 Board of Pardons and Parole - Data Collection
Effective July 1, 2019**

This section requires the Board to collect data pertaining to outcomes of preliminary hearings, the number of persons remanded to DOC custody including recommendations to reinstate or revoke parole and demographic information.

**Section 5 Criminal Justice Commission Meetings in Public
Effective October 1, 2019**

This amends C.G.S. §51-275a, *Criminal Justice Commission established*, to require the Criminal Justice Commission to (1) post notices of its meetings on the Commission's website and (2) hold any meetings to appoint, reappoint, remove, or otherwise discipline the chief state's attorney, a deputy state's attorney, or a state's attorney at the Legislative Office Building with an opportunity for public testimony.

PSYCHIATRIC SECURITY REVIEW BOARD (PSRB)

- **P.A. 19-151** **An Act Establishing A Task Force To Study The Juror Selection Process, Providing Access To Certain Records Possessed By The Department Of Mental Health And Addiction Services, Connecticut Valley Hospital And The Psychiatric Security Review Board And Concerning Sentencing Of Persistent Larceny Offenders And Confidentiality Upon Application To A Diversionary Program.**

Section 2 **Access to PSRB Surveillance Videos** **Effective from passage**

This is new legislation which provides access to media records possessed by Department of Mental Health and Addiction Services (DMHAS), Connecticut Valley Hospital (CVH) and the Psychiatric Security Review Board (PSRB) to defense counsel. The act creates a process which provides access to counsel of record while maintaining confidentiality for non-client patients.

SENTENCING

- **S.A. 19-17** **An Act Concerning a Study of the Disparities in Pretrial and Sentencing Outcomes of Criminal Defendants**

Section 1 **Study of Potential Disparities** **Effective from passage**

This act requires the Connecticut Sentencing Commission to study and submit an interim and final report to the General Assembly regarding:

“potential disparities in pretrial and sentencing outcomes related to the racial, ethnic, gender and socioeconomic status of a criminal defendant.”

The act grants to the Commission access to the following:

- (1) All databases maintained in the state's criminal justice information system;
- (2) the Connecticut Information Sharing System; and,
- (3) any state or local criminal or judicial databases that have not yet been integrated into the Connecticut Information Sharing System.

SEX OFFENDERS – SEXUAL HARASSMENT

➤ P.A. 19-14 An Act Concerning “Upskirting”

Section 1 Voyeurism Effective October 1, 2019

The act amends subsection (4) of *C.G.S. §53a-189a, Voyeurism: Class D or C felony*. This subsection (4) applies to a person who photographs or videos certain areas of another person’s body without that person’s consent while the person’s body is not in plain view and adds “*under circumstances where such other person has a reasonable expectation of privacy*” regardless of whether the other person is in a public place.

The amendment defines “plain view” as not including a view achieved by photographing “under or around a person’s clothing.” In addition, “public place” is as defined in *C.G.S. §53a-186, Public indecency: Class B misdemeanor*. The penalties remain unchanged for a violation of the statute.

➤ P.A. 19-16 An Act Combatting Sexual Assault and Sexual Harassment

Sec. 1-11 Sexual Harassment Various Effective Dates

These sections amend various statutes to provide for training, investigation and enforcement of sexual harassment laws in businesses.

Sec. 12-14 Civil Suits for Sexual Assaults Various Effective Dates

These sections amend the statute of limitations within which to file a civil proceeding against a person for “sexual misconduct.” Section 14 creates a task force to examine whether the civil statute of limitations for sexual abuse, sexual exploitation and sexual assault should be changed in light of what other states do.

Sec. 15-16 Sexual Assault 3rd Degree Effective October 1, 2019

This section amends, *C.G.S. §53a-72a, Sexual assault in the third degree: Class D or C felony* and *C.G.S. §53a-73a, Sexual assault in the fourth degree: Class A misdemeanor or class D felony*, to enhance the penalty for subjecting a person to sexual contact when the other person is mentally incapacitated to the extent that they cannot consent from a sexual assault 4th degree to a sexual assault 3rd degree. Sexual assault 3rd degree is a class D felony unless the victim is under 16 years of age. If under 16, sexual assault 3rd is a class C felony.

Section 17 Statute of Limitations

Effective October 1, 2019 and applicable to any offense committed on or after October 1, 2019, and to any offense committed prior to October 1, 2019, for which the statute of limitations in effect at the time of the commission of the offense has not yet expired as of October 1, 2019

This section changes the statute of limitations in criminal proceedings as follows:

Eliminates the statute of limitations for all felony and misdemeanor sexual assault offenses against a victim who is under the age of 18;

Extends the statute of limitations from 30 years beyond the age of majority, which is 18 under current law, to 30 years beyond the age of 21 for felony & misdemeanor sexual assault offenses against a victim who is 18, 19 or 20 years old;

Extends the statute of limitations from 5 years to 20 years for a felony sexual assault against a victim who is 21 years and over;

Extends the statute of limitations from 1 year to 10 years for a misdemeanor sexual assault against a victim who is 21 year and over.

**Sec. 18-22 Technical
Effective October 1, 2019**

These sections are technical amendment in light of the changes in the act.

**Section 23 Repeal of Statute
Effective October 1, 2019**

This section repeals *C.G.S. §54-193a, Limitation of prosecution for offenses involving sexual abuse of minor* as a result of the elimination of the criminal statute of limitations within this act.

➤ **P.A. 19-93 An Act Concerning Sexual Harassment and Sexual Assault**

**Sec. 1-6 Sexual Harassment Claims and CHRO
Effective October 1, 2019**

These sections create procedures for sexual harassment claims.

**Section 7 Task Force
Effective from passage**

NOTE: *This section amends subsection (b) of section 14 of P.A. 19-16 pertaining to sexual harassment and sexual assault.*

This section amends the members of the task force created in P.A. 19-16. The task force is charged with examining whether the civil statute of limitations for sexual abuse, sexual exploitation and sexual assault should be changed in light of what other states do.

**Sec. 9-10 Sexual Assault in the Third Degree
Effective October 1, 2019**

NOTE: *These sections amend Sections 15 and 16 of P.A. 19-16 pertaining to sexual harassment and sexual assault.*

Section 9 amends C.G.S. §53a-72a, *Sexual assault in the third degree: Class D or C felony*, and C.G.S. §53a-73a, *Sexual assault in the fourth degree: Class A misdemeanor or class D felony*, as amended by P.A. 19-16 to add language deleted from 53a-73a to 53a-72a in order to enhance the penalty for a person subjecting another person to sexual contact when the other person was mentally incapacitated "or impaired because of mental disability or disease" to the extent that they could not consent. This conduct is now classified as a sexual assault 3rd degree.

For consistency, section 10 of P.A. 19-93 deletes the language "impaired because of mental disability of disease . . ." from C.G.S. §53a-73a. As a result, the statute will read as follows:

"(a) A person is guilty of sexual assault in the third degree when such person

(1) compels another person to submit to sexual contact

(A) by the use of force against such other person or a third person, or

(B) by the threat of use of force against such other person or against a third person, which reasonably causes such other person to fear physical injury to himself or herself or a third person, or

(2) subjects another person to sexual contact and such other person is mentally incapacitated or impaired because of mental disability or disease to the extent that such other person is unable to consent to such sexual contact, or

(3) engages in sexual intercourse with another person whom the actor knows to be related to him or her within any of the degrees of kindred specified in section 46b-21."

- **P.A. 19-189 An Act Concerning Parity Between Sexual Assault In The Case Of A Spousal Or Cohabiting Relationship And Other Crimes Of Sexual Assault And Concerning The Investigation Of A Family Violence Crime**

**Sec. 1-42, 44 Sexual Assault – Spousal or Cohabiting Relationships
Effective October 1, 2019**

Section 44 repeals *C.G.S. §53a-70b, Sexual assault in the third degree with a firearm: Class C or B felony*, a separate spousal or cohabiting relationship sexual assault law. Sections 1-42 are technical in nature in light of the repeal and repeal exemptions for married persons from the definitions of sexual intercourse and sexual contact. The intent of the statute is to provide equal protection under the law to any victim of a sexual assault regardless of the relationship with the persons charged.

**Section 43 Family Violence Investigations
Effective July 1, 2019**

This section amends subsection (j) of *C.G.S. §46b-38b, Investigation of family violence crime by peace officer. Arrest. Assistance to victim. Guidelines. Compliance with model law enforcement policy on family violence. Education and training program. Assistance and protocols for victims whose immigrations status is questionable. Exceptions*, to exempt from the statute anyone in certain off campus housing owned by the higher education institution so long as the persons are not related or considered household members per the statute. The section also deletes the references to persons in “a dating relationship.” The intent is to make family violence applicable to anyone living in the facilities listed if they are married, are family, have a child or are in a dating relationship.

SOCIAL WORKERS

- **P.A. 19-164 An Act Concerning Social Workers**

**Section 1 Use of Title “Social Worker”
Effective October 1, 2019**

This section amends *C.G.S. §20-195q, Use of title. Certain activities not prohibited*, to prohibit anyone from using the title “social worker” unless they have a baccalaureate, master’s or doctoral degree in social work if educated in the U.S. or the equivalent of such if education outside the U.S.

The act provides an exception for state employees who currently have the title “social worker.” However, after October 1, 2019, any agency posting a job opportunity for a social worker title must indicate that a preferred qualification for the employment is that that the person has completed a baccalaureate or master’s degree in social work.

VICTIMS

- P.A. 19-43 **An Act Concerning the confidentiality of Law Enforcement Records Concerning Victims of Sexual Assault and Family Violence**

Section 1 Family Violence – Exempt Information
Effective October 1, 2019

This amends subsection (b) of C.G.S. §1-210, *Access to public records. Exempt records*, to exempt from disclosure pursuant to the freedom of information statutes, the name and address of the victim in a family violence case.

Section 2 Redaction of Victim’s Information
Effective October 1, 2019

This amends subsection (b) of C.G.S. §1-215, *Record of an arrest as public record. Prohibition on redaction. Exemptions. Disclosure of other law enforcement records. Notice to state’s attorney. Applicability of section*, to permit law enforcement to redact the name, address and other identifiable information pertaining to the victim from an arrest record for 53a-70, *Sexual assault in the first degree: Class B or A felony, 53a-70a, Aggravated sexual assault in the first degree: Class B or A felony, 53a-71, Sexual assault in the second degree: Class C or B felony, 53a-72a, Sexual assault in the third degree: Class D or C felony, 53a-72b, Sexual assault in the third degree with a firearm: Class C or B felony, 53a-73a, Sexual assault in the fourth degree: Class A misdemeanor or class D felony, 53a-189a, Voyeurism: Class D or C felony, 53-21, Injury or risk of injury to, or impairing morals of, children. Sale of children*, or a family violence offense, or attempt.

- P.A. 19-64 **An Act Concerning Court Operations**

Section 13 Victim Compensation
Effective July 1, 2019

The act amends subsection (a) of C.G.S. §54-210, *Compensation ordered for expenses, loss of earnings, pecuniary loss and other losses*, to permit for the payment of any pecuniary loss to a victim or relatives or dependents of an injured or deceased victim for attendance at juvenile proceedings and Board of Pardons and Paroles hearings.

- **P.A. 19-146 An Act Requiring the Provision of Information Concerning Domestic Violence Services and Resources to Students, Parents and Guardians**

**Section 1 Services and Resources to Victims
Effective July 1, 2019**

This section requires the Department of Education to provide web-based information regarding domestic violence services and resources to students, parents, guardians who express safety concerns due to domestic violence.

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