



2023 LEGISLATIVE SUMMARY

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Office of Chief Public Defender

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**CT Public
Defenders**

equality | justice | community

Index
2023 Public Acts

2023 Public Acts	Page
23-7 An Act Ensuring Timely Temporary Financial Support Hearings in Divorce and Custody Proceedings	10
23-9 An Act Concerning Racial Profiling	59
23-12 An Act Concerning the Transfer of Persons Who Are Incarcerated Between Correctional Facilities and The Use of Body Scanning Machines in Correctional Facilities as An Alternative to The Use of Strip Searches	20
23-16 An Act Concerning Artificial Intelligence, Automated Decision-Making and Personal Data Privacy	5
23-17 An Act Concerning Revisions to Certain Domestic Animal Related Statutes	2
23-20 An Act Implementing Additional Measures to Prevent Trafficking in Persons and Expanding the Composition of The Trafficking in Persons Council	67
23-23 An Act Concerning Service of Bank Executions, Wage Executions and Tax Warrants by State Marshals and Authorized Service of Process by Indifferent Persons	33
23-25 An Act Authorizing Access to Juvenile Delinquency Records to Evaluate a Proposed Transfer of a Firearm to a Person Under Age Twenty-One	10
23-26 An Act Concerning Prosecutorial Accountability	58
23-27 An Act Concerning Deceptive or Coercive Interrogation Tactics	48
23-36 An Act Concerning the State’s Criminal Justice Information System	21

2023 Public Acts	Page
23-40 An Act Implementing The Recommendations Of The Department Of Motor Vehicles, Studying An Emergency Contact Information Database Or Revisions To Motor Vehicle Records And Concerning The Safety Driving Course, Motor Vehicle Dealers And Repairers, Motor Vehicle Safety Recalls, The Knowledge Test For An Operator's License, Reciprocal Recognition Of Driver Training Requirements, Trespass On Watershed Land, Emergency Lights, Removable Windshield Placards, School Buses, Registration Certificates And Minor Revisions To Motor Vehicle Statutes	31
23-44 An Act Concerning the Minimum Age to Be Eligible to Marry	10
23-46 An Act Concerning Judicial Branch Operations, The Sharing of Judicial Branch Records And The Award Of Damages In Certain Civil Matters.	10
23-47 An Act Concerning Various Revisions to The Criminal Law and Criminal Justice Statutes	6
23-51 An Act Concerning Wrong-Way Driving Detection and Prevention	53
23-54 An Act Revising Various Gaming Statutes	34
23-55 An Act Concerning the Recruitment of Law School Students for Apprentice Prosecutor Positions	59
23-56 An Act Concerning Online Privacy, Data and Safety Protections	55
23-59 An Act Concerning Certification Or Accreditation Requirement Deadlines For A Law Enforcement Unit That Serves A Municipality And Consists Solely Of Constables Or Resident State Troopers	56
23-69 An Act Concerning Firearm Incident Reports and a Task Force on Recruitment and Retention of Police Officers	36
23-73 An Act Permitting Email Notices of The Expiration of Certain Firearm Permits and Certificates and Security Officer Licenses	45

2023 Public Acts	Page
23-77 An Act Authorizing Certain Killing of Black Bear and Prohibiting Intentional Feeding of Potentially Dangerous Animals	2
23-79 An Act Concerning Cannabis Regulation	9
23-83 An Act Concerning Damages to Person or Property Caused By The Negligent Operation Of A Motor Vehicle Owned By A Political Subdivision Of The State	54
23-86 An Act Expanding Membership of The Police Officer Standards and Training Council	57
23-87 An Act Requiring the Police Officer Standards and Training Council to Develop and Promulgate a Model Policy Requiring the Use of a Seat Safety Belt for Any Person Who Is Being Transported in a Municipal Police Vehicle	57
23-89 An Act Concerning Risk Protection Orders or Warrants and Disqualifiers for Firearm Permits and Eligibility Certificates Based on Temporary Commitment Under a Physician's Emergency Certification	59
23-95 An Act Requiring Police Officers to Inform Drivers of The Purpose of a Traffic Stop	57
23-104 An Act Concerning Crisis Intervention Training for Police Officers and Collaboration Between Police Officers and Social Workers	57
23-106 An Act Strengthening the Protections Against and Response to Domestic Violence	32
23-123 An Act Establishing the Crime of Harmful Communication with a Minor	13
23-129 An Act Concerning Liability for False and Fraudulent Claims	34
23-134 An Act Concerning Erasure of Criminal History Records	14

2023 Public Acts	Page
23-135 An Act Implementing the Recommendations of The Department of Transportation and Concerning State Parkways, The Connecticut Airport Authority, A Transportation Carbon Dioxide Reduction Target, A Tree and Vegetation Management Plan, Motor Vehicle Noise, The Zero-Emission Truck Voucher Program, Street Racing, Emergency Lights and The Naming of Certain Roads and Bridges	55
23-136 An Act Concerning a Study of The Consolidation of The Family Violence Model Policy Governing Council and The Domestic Violence Offender Program Standards Advisory Council	34
23-149 An Act Concerning Cruelty to Animals	3
23-168 An Act Concerning Mandated Reporters	53
23-176 An Act Concerning Circumstances Presenting a Substantial Risk to a Child's Health or Safety	13
23-188 An Act Concerning Juvenile Justice	13
23-192 An Act Concerning the Provision of Emergency Medical Services to An Individual Who Is in Direct Contact with or In the Custody or Control of a Peace Officer	58
23-193 An Act Concerning Verification of the Residential Address of a Registered Sex Offender	66
23-200 An Act Concerning the Enforcement of Violations of the Freedom of Information Act	48
23-203 An Act Concerning Firearms and Street Takeovers	46

Connecticut
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2023 Public Acts Adopted During the 2023 Legislative Session

The following is a summary of the Public Acts passed during the 2023 Legislative Session pertaining to criminal proceedings, juvenile delinquency, and child protection.

Thank you to Ben Daigle, Deputy Assistant Public Defender; Dominica Zdonek, Administrative Assistant of this office; UConn intern Jasmin Lutz; Chief Public Defender TaShun Bowden-Lewis; Susan Hamilton, Former Director of Delinquency Defense and Child Protection; the Public Defender Legislative Committee; and everyone who proposed or testified on legislation this year. If you have questions, please contact Deborah Del Prete Sullivan, Legal Counsel, Director, at (860) 509-6405 or deborah.d.sullivan@pds.ct.gov.

<u>CONTENTS</u>			
ANIMALS	2	FAMILY VIOLENCE	34
ARTIFICIAL INTELLIGENCE	5	FIREARMS	35
BODY CAMERAS	6	INTERROGATION TACTICS	48
CANNABIS	9	JUDICIAL	48
CHILDREN/JUVENILE/YOUTH	10	MANDATORY MINIMUMS	51
CLEAN SLATE	14	MANDATED REPORTER	53
COMMUTATION	18	MOTOR VEHICLE	53
CORRECTION, DEPARTMENT OF	20	ONLINE PRIVACY	55
CRIMINAL JUSTICE INFORMATION SYSTEM (CJIS)	21	POLICE	56
DIVERSIONARY PROGRAMS	21	PROSECUTORS	58
DMV	31	RACIAL PROFILING	59
DOMESTIC VIOLENCE	32	RISK PROTECTION ORDER	59
EXECUTIONS	33	SENTENCE MODIFICATION	63
GAMING	34	SEX OFFENSES	66
FALSE CLAIM	34	VICTIMS	66
		TRAFFICKING	67
		SUBJECT INDEX	i

ANIMALS

➤ P.A. 23-17 **An Act Concerning Revisions to Certain Domestic Animal Related Statutes**

Section 1 (Effective from passage)

This section amends subsections (e) to (h) of *C.G.S. § 22-329a, Seizure and custody of neglected or cruelly treated animals. Vesting of ownership of animal. Animal abuse cost recovery account*, authorizing the court in cases where neglect or cruel treatment has been alleged to order the owner of an animal to provide care.

Under current law, where the court vests the care and custody to a third party, the owner can either relinquish ownership of the animal or post a surety or cash bond in the amount of \$500 with that third party. This section increases the bond to \$1000 which now must be a cash bond only.

Section 3 amends *C.G.S. § 22-342, Kennel licenses. Certain breeders to be licensed. Inspection of kennel facilities. Penalties*, pertaining to owners or keepers of kennel who breed dogs. Failure to comply with the (1) licensing and (2) inspections requirements are currently a B misdemeanor. The amendment expands this to anyone who (3) fails to comply with an order pertaining to the inspections and correction of conditions of kennels or to quarantine the animals. It reduces the penalty for a violation of changes this to an infraction for a first offense and a class D misdemeanor offense for a second or subsequent offense.

In addition, any person convicted of violating *C.G.S. § 53-247, Cruelty to animals. Animals engaged in exhibition of fighting. Intentional injury or killing of police animals or dogs in volunteer canine search and rescue teams, C.G.S. § 53-248, Sale or treatment of animals unable to work*, or *C.G.S. § 53-249, Cruelty to poultry*, or business with a person who has a controlling interest found guilty of such statutes are prohibited from having a kennel license.

➤ P.A. 23-77 **An Act Authorizing Certain Killing of Black Bear and Prohibiting Intentional Feeding of Potentially Dangerous Animals**

Section 1 Effective October 1, 2023

Section 1 amends *C.G.S. § 26-47, Permits to take wildlife damaging crops. License to control nuisance wildlife*. This statute currently pertains to the granting of permits and licensing for the control of nuisance wildlife. Under current law, a violation of this statute is a class D misdemeanor and can result in the revocation of a permit or license.

The section is amended to provide for a process for the issuance of permits to take the life of animals that threaten or cause damage to crops, livestock or apiaries in certain instances.

Section 2 Effective October 1, 2023

This section amends *C.G.S. § 26-80a, Illegal taking of moose or bear. Suspension of hunting license. Penalties*, which currently provides, in addition to the revocation of the person's hunting license, the following penalties for taking a moose or bear in violation of the statute:

1 st offense	fine not more than \$500 or incarceration of not more the 30 days.
2 nd offense	fine not more than \$750 or incarceration of not more than 3 months.
3 rd or subsequent months	fine not more than \$1000 or incarceration not more than 6 months

This act provides an exemption to anyone who uses deadly force to kill a bear if they reasonably believe that the bear is or will inflict great bodily harm to a person, injure or kill a person's pet or enter a building occupied by people.

Section 3 Effective October 1, 2023

This amends *C.G.S. § 26-25a, Regulation of feeding of wildlife on state-owned property*, to provide definitions of "intentionally feed" ("place, provide, give, expose, deposit, scatter or distribute. . . with the intention to feed, attract or entice a "potentially dangerous animal". Potentially dangerous animals are defined as including coyotes, foxes, bobcats, and black bears but does not include domestic dogs or cats or zoo or wildlife facility animals. In addition, this section prohibits anyone from intentionally feeding any such animal on land that is "not owned by the state". A violation is an infraction.

➤ **P.A. 23-149 An Act Concerning Cruelty to Animals**

Section 1 Effective October 1, 2023

This section amends *C.G.S. 53a-65, Definitions*, to reference the definition in *C.G.S. 22-327, Definitions*, for this definition's statute. It also defines sexual contact with an animal for purposes of the sexual assault statutes.

Section 2 *Effective October 1, 2023*

This section is new legislation which defining sexual assault of an animal, a class A misdemeanor. The court is required to impose the following upon anyone convicted of such:

“(1) shall not harbor, own, possess, reside with, adopt or serve as a foster placement for any animal, and (2) shall not be employed by, or volunteer for, any entity in any position that involves care for, or regular contact with, any animal.”

The order of the court is for 5 years beyond the latter of the date of the conviction or date of release from imprisonment.

Section 3 *Effective October 1, 2023*

This section amends subsection (a) of *C.G.S. 53a-73a, Sexual assault in the fourth degree: Class A misdemeanor or class D felony*, to delete sexual contact with an animal from the sexual assault in the 4th degree statute due to the change in Section 2.

Section 4 *Effective October 1, 2023*

This section is new and provides the process for law enforcement or an animal control officer to lawfully take possession of any animal when they have a reasonable belief that the animal was sexually assaulted.

Section 5 *Effective October 1, 2023*

This section amends subsections (a) and (b) of *C.G.S. 22-329a, Seizure and custody of neglected or cruelly treated animals. Vesting of ownership of animal. Animal abuse cost recovery account*, to make technical changes.

Section 6 *Effective October 1, 2023*

This section is new and mandates veterinarians to report cases of neglect, cruel treatment or harm to local law enforcement. The report contains the address of the owner, description of the animal and date and time of the discovery of the harm, neglect or cruelty. The section also provides veterinarians immunity from civil liability for making the report.

Section 7 *Effective October 1, 2023*

This section amends *C.G.S. 53-247, Cruelty to animals. Animals engaged in exhibition of fighting. Intentional injury or killing of police animals or dogs in volunteer canine search*

and rescue teams, to require the court to order, in addition to any sentence imposed for violating this statute, that the defendant be prohibited from having any animal including owning or residing with such or being employed by any business that cares for or involves regular contact with animals for five years.

Section 8 Effective October 1, 2023

This section amends *C.G.S. 53a-28, Authorized sentences*, to require the court to order, in addition to any sentence imposed for violating this statute, that the defendant be prohibited from having any animal including owning or residing with such or being employed by any business that cares for or involves regular contact with animals for five years.

ARTIFICIAL INTELLIGENCE

➤ **P.A. 23-16 **An Act Concerning Artificial Intelligence, Automated Decision-Making and Personal Data Privacy****

Sections 1-2 (Effective July 1, 2023)

These sections are new legislation which defines artificial intelligence (AI) and require state agencies to perform assessments of any systems which employ such.

Section 3 (Effective July 1, 2023)

The Judicial Department is required to conduct an inventory of its systems which use AI and develop policies and procedures pertaining to obtaining and using AI.

AI is defined as:

“(1) an artificial system that (A) performs tasks under varying and unpredictable circumstances without Substitute Senate Bill No. 1103 Public Act No. 23-16 5 of 10 significant human oversight or can learn from experience and improve such performance when exposed to data sets, (B) is developed in any context, including, but not limited to, software or physical hardware, and solves tasks requiring human-like perception, cognition, planning, learning, communication or physical action, or (C) is designed to (i) think or act like a human, including, but not limited to, a cognitive architecture or neural network, or (ii) act rationally, including, but not limited to, an intelligent software agent or embodied robot that achieves goals using perception, planning, reasoning, learning, communication, decision-making or action, or (2) a set of techniques, including, but not limited to, machine learning, that is designed to approximate a cognitive task.”

The section requires that Judicial not utilize any system with AI that would:

“(i) results in any unlawful discrimination against any individual or group of individuals, or (ii) has any unlawful disparate impact on any individual or group of individuals on the basis of any actual or perceived differentiating characteristic, including, but not limited to, age, genetic information, color, ethnicity, race, creed, religion, national origin, ancestry, sex, gender identity or expression, sexual orientation, marital status, familial status, pregnancy, veteran status, disability or lawful source of income;”

Section 4 *Effective October 1, 2023*

This requires that state contracting agencies to contain a provision which requires the contractor to comply with *C.G.S. § 42-515, Definitions*, to *C.G.S. § 42-525, Enforcement by Attorney General. Notice of violation. Cure period. Report. Penalty, (Ch 743jj, Consumer Data Privacy and Online Monitoring)*. The Judicial branch is exempt from this requirement.

Section 5 *Effective from passage*

This section creates a working group in the legislative branch to make recommendation regarding best practices for “ethical and equitable use of artificial intelligence in state government”, regulation of the use of AI in private sector and a Connecticut “artificial intelligence bill of rights and needed legislation. A report is required to be submitted to the General Assembly by February 1, 2024.

BODY CAMERAS

➤ P.A. 23-47 **An Act Concerning Various Revisions to The Criminal Law and Criminal Justice Statutes**

Section 1 *(Effective October 1, 2023)*

Section 1 amends *C.G.S. § 53a-39, Reduction of sentence or discharge of defendant by sentencing court or judge. Statement by victim*. Current law pertaining to sentence modifications provides no prohibition to a person who was granted full or partial relief in response to a motion for sentence modification. This section, however, requires a person to wait 5 years before being able to apply again for a sentence modification if the court denied their previous motion or granted the person full relief.

If after a hearing the court granted the motion in part, a person would be required to wait 3 years before applying again for a sentence modification.

Section 2 (Effective October 1, 2023)

Section 2 amends subsection (a) of C.G.S. § 17a-566, *Certain convicted persons to be examined. Report and recommendation*, and removes the reference to the former “Somers” Correctional Institution.

Section 3 (Effective October 1, 2023)

Section 3 amends subsection (a) of C.G.S. § 18-100h, *Release of persons convicted of certain motor vehicle and drug offenses to their residences*, to expand the authority of the Commissioner of Correction to release a person to his/her residence with conditions, and possibly electronic monitoring. Current law, provides this authority for a person sentenced to incarceration pursuant to 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*, subsection (g) of C.G.S. § 14-227a, *Operation while under the influence of liquor or drug or while having an elevated blood alcohol content*, or subdivision (1) of subsection (c) of C.G.S. § 14-227m, *Operation of motor vehicle with a child passenger while under the influence of liquor or drug or while having an elevated blood alcohol content. Procedures. Penalties*. The amendment expands the authority of the Commission to anyone sentenced to incarceration pursuant to C.G.S. § 14-227k, *Avoidance of, tampering with or failure to install ignition interlock device*.

Section 4 (Effective October 1, 2023)

Section 4 amends C.G.S. § 21a-279a, *Limits for legal possession of cannabis. Penalty for illegal possession. Calculation of amount and equivalencies*, and expands the good Samaritan provisions to protect and provide an incentive for individuals to render aid to an individual experiencing a drug or alcohol overdose and who in good faith seeks medical assistance for themselves if evidence of cannabis possession is obtained because of seeking medical assistance. The section excludes anyone seeking medical assistance while a search or arrest warrant is executed.

Sections 5 & 6 (Effective October 1, 2023)

These amend subsection (i) of C.G.S. § 14-36, *Motor vehicle operator's license*, subsection (b) 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*, to eliminate the mandatory minimum sentence where mitigating circumstances have been determined by the court. Current law provides for the imposition of a 90-day mandatory minimum sentence if a person has committed 2 or more violations of this statute or subsection (a) 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, or any combination of such, prior to the present violation.

Section 7 (Effective October 1, 2023)

This amends subsection (b) of *C.G.S. § 51-164n, Procedure upon summons for infraction or certain violations. Payment by mail. Procedure at trial*, by removing *C.G.S. § 7-148f, Penalty for violations*.

Section 8 (Effective October 1, 2023)

This amends subsection (f) of *C.G.S. § 29-6d, Use of body-worn recording equipment and dashboard cameras. When recording prohibited. Retention of data*, authorizing the delay of body cam recording to the public if the officer is reasonably unable to review the recording due to the officer's "medical or physical response or an acute psychological stress response to the incident." Any delay, however, cannot occur more than 144 hours following the recorded incident.

Section 9 (Effective October 1, 2023)

This amends subdivision (3) of *C.G.S. § 53a-65, Definitions*, to expand the definition of sexual contact to include contact with the intimate parts of the body of a deceased person or any contact by a person of their intimate parts with the body of a deceased person, for the purpose of sexual gratification.

Section 10 (Effective October 1, 2023)

This amends *C.G.S. § 53a-73a, Sexual assault in the fourth degree: Class A misdemeanor or class D felony*, to provide that a person is guilty of sexual assault in the fourth degree if a person engages in sexual contact with the body of a deceased person.

Section 11 (Effective October 1, 2023)

This amends *C.G.S. § 54-130a, Jurisdiction and authority of board to grant commutations of punishment, releases, pardons and certificates of rehabilitation*, to provide, upon written request of the state's attorney, certain materials and documents filed with the Board of Pardon and Parole in a commutation proceeding. Materials and documentation which are confidential, privileged, or non-disclosable under state or federal law would not be included. The amendment also permits the state's attorney to appear at the commutation session to make a statement as to whether the commutation should be granted.

CANNABIS

► P.A. 23-79 **An Act Concerning Cannabis Regulation**

Section 1 (Effective July 1, 2023)

This amends *C.G.S. § 21a-240, Definitions*, to define “high-THC hemp product.”

Section 12 (Effective July 1, 2023)

This amends subsection (a) of *C.G.S. § 21a-408b, Caregiver not subject to arrest, prosecution or certain other penalties. Requirements. Prohibition re dispensing cannabis product in smokable, inhalable or vaporizable form*, to remove the provision prohibiting a person who has been convicted of a violation of any law pertaining to the illegal manufacture, sale, or distribution of a controlled substance from serving as a caregiver. It also expands the situations in which an individual may serve as caretaker for more than one qualifying patient, adding grandparental and spousal relationships to the list.

Section 39 (Effective July 1, 2023)

This amends *C.G.S. § 21a-421b, Criminal history records checks required for licensure. Fees*, to limit state-required background checks for cannabis establishment licensure to each “key employee,” “manager,” and “owner” (a change from the requirement including all individuals listed on an application).

Section 46 (Effective July 1, 2023)

This amends *C.G.S. § 7-294m, Instruction re new legal developments for municipal chief law enforcement officers*, to require the Division of Criminal Justice (DCJ) and the Police Officer Standards and Training (POST) Council to, not later than October 31, 2023, and annually thereafter, include in each course of instruction on new legal developments a session regarding investigation and enforcement standards concerning cannabis and high-THC hemp products.

Section 49 (Effective from passage)

This new law establishes an Office of the Cannabis Ombudsman within the Office of the Healthcare Advocate and a position of Cannabis Ombudsman, to be appointed by the Healthcare Advocate to, generally, represent the interests of qualifying patients and caregivers and engage policymakers and the public regarding relevant laws, regulations, policies, and actions.

CHILDREN/JUVENILE/YOUTH

- **P.A. 23-7** **An Act Ensuring Timely Temporary Financial Support Hearings in Divorce and Custody Proceedings**

Section 1 (Effective January 1, 2024)

This amends *C.G.S. § 46b-83, Alimony, support and use of family home or other residential dwelling unit awarded pendente lite. Voluntary leaving of family home by one parent*, to set certain timelines for courts to hear requests for temporary financial support orders.

- **P.A. 23-25** **An Act Authorizing Access to Juvenile Delinquency Records to Evaluate a Proposed Transfer of a Firearm to a Person Under Age Twenty-One**

Section 1 (Effective July 1, 2023)

This section amends subsection (d) of sections *C.G.S. § 46b-124, Confidentiality of records of juvenile matters. Exceptions*, as amended by sections 5 and 19 or *P.A. 22-115, An Act Concerning Juvenile Justice and Services, Firearms Background Checks, and Larceny of a Motor Vehicle*, pertaining to the confidentiality of records of juvenile delinquency matters. It expands access to such records to municipal state or federal agencies where a proposed transfer of a firearm to a person under 21 years of age is to be evaluated.

- **P.A. 23-44** **An Act Concerning the Minimum Age to Be Eligible to Marry**

Section 1 (Effective July 1, 2023)

This act amends *C.G.S. § 46b-20a, Eligibility to marry. Issuance of license to minor who is sixteen or seventeen, when permitted*, to require that a person be at least 18 years of age to marry.

- **P.A. 23-46** **An Act Concerning Judicial Branch Operations, The Sharing of Judicial Branch Records and The Award of Damages in Certain Civil Matters**

Section 5 (Effective July 1, 2023)

This amends subsection (b) of *C.G.S. § 46b-122, Juvenile matters separated from other court business when practicable. Exclusion of persons from hearing. Exceptions*, to provide that any judge hearing a juvenile matter shall not exclude the victim's next of kin (defined as a spouse, adult child, a parent, an adult sibling, an aunt, an uncle, or a

grandparent) unless, after hearing from the parties and the victim or a victim's next of kin, and for good cause shown, which shall be clearly and specifically stated on the record, the judge orders otherwise.

Section 6 (Effective July 1, 2023)

Similar to § 5, this amends subsection (b) of *C.G.S. § 54-76h, Proceedings private. Segregation of defendant in place of detention. Presence of victim at proceeding*, to provide that a victim's next of kin shall not be excluded, here from proceedings under *C.G.S. § 54-76b, Youthful offenders: Definitions; applicability of interstate compact*, to *C.G.S. § 54-76n, Application of criminal law*, inclusive.

Section 7 (Effective July 1, 2023)

This amends subsection (k) of *C.G.S. § 46b-124, Confidentiality of records of juvenile matters. Exceptions*, to limit the use of information concerning a child that is obtained during any risk and behavioral health screening to determining the child's eligibility for community diversion and nonjudicial handling. Such information shall be used for the purpose of identifying appropriate treatment and interventions and shall otherwise be confidential and retained in the files of the person performing such screening, but shall be disclosed to any attorney of record upon motion and order of the court. Such information and results shall otherwise not be subject to subpoena or other court process for use in any other proceeding or for any other purpose.

Section 8 (Effective October 1, 2023)

This amends *C.G.S. § 54-129a, Termination of special parole determination. Notification to victim. Statement of victim*, to require that, prior to the Board of Pardons and Paroles terminating a person's period of special parole pursuant to *C.G.S. § 54-129, Discharge of paroled prisoner*, the Victim Services Unit within the Department of Correction notify the victim of the crime for which the person is serving a period of special parole who is registered with that unit of the board's intent to consider such termination (as the Office of Victim Services within the Judicial Department must notify a victim registered with that office).

Section 9 (Effective July 1, 2023)

This amends subsection (a) of *C.G.S. § 53a-167c, Assault of public safety, emergency medical, public transit or health care personnel: Class C felony*, regarding assault of public safety, emergency medical, public transit, or health care personnel, to add to the list of personnel employees of the Judicial Branch assigned to provide post-conviction secure detention and programming.

Section 17 (Effective July 1, 2023)

This amends subsection (a) of *C.G.S. § 46b-149a, Duties of police officer re child of family with service needs*, to replace reference to a child being a member of a “family with service needs” with a child who “has run away from his or her parent or guardian’s home” and specifies a youth service bureau as a permissible referral. (Several sections of the law remove statutory references to “family with service needs.”)

Section 22 (Effective July 1, 2023)

This amends subsection (d) of *C.G.S. § 46b-124, Confidentiality of records of juvenile matters. Exceptions*, as amended by section 5 of *P.A. 22-115, An Act Concerning Juvenile Justice and Services, Firearms Background Checks, And Larceny of a Motor Vehicle*, to add that a juvenile record is available to the Department of Children and Families not only if the child is committed pursuant to *C.G.S. § 46b-129 (existing law), Commitment of child or youth. Petition for neglected, uncared for or abused child or youth. Hearing re temporary custody, order to appear or petition. Review of permanency plan. Cost of care and maintenance of child or youth; reimbursement. Revocation of commitment. Legal guardianships and permanent legal guardianships. Applicability of provisions re placement of child from another state and Interstate Compact on the Placement of Children*, but also if the child is under the oversight of the department’s administrative unit pursuant to *C.G.S. § 17a-3b, Administrative unit for oversight of education of children residing in juvenile justice facilities and incarcerated children*, provided that such disclosure shall be limited to information that identifies the child as residing in a justice facility or incarcerated.

Section 23 (Effective July 1, 2023)

Similar to section 22, this amends subsection (b) of *C.G.S. § 54-76l, Records or other information of youth to be confidential. Exceptions*, such that limited information can be shared among service providers for purposes of providing services.

Section 26 (Effective January 1, 2024)

This amends section *C.G.S. § 51-344, Judicial districts established*, to change the name of the judicial district of Fairfield to the judicial district of Bridgeport.

Section 38 (Effective from passage)

➤ **P.A. 23-123** **An Act Establishing the Crime of Harmful Communication with a Minor**

Section 1 (Effective October 1, 2023)

This new law creates a class A misdemeanor of “harmful communication with a minor.” It applies to individuals twenty-five years of age or older who use an interactive computer service or text message to knowingly persuade, induce, entice, or coerce a minor to engage in certain conduct or communication. It defines relevant terms.

➤ **P.A. 23-176** **An Act Concerning Circumstances Presenting a Substantial Risk to a Child's Health or Safety**

Section 1 (Effective October 1, 2023)

This amends subsection (a) of *C.G.S. § 53-21a, Leaving child unsupervised in place of public accommodation or motor vehicle. Failure to report disappearance of a child*, to require that in determining whether an action constitutes a violation, (A) consideration shall be given to whether the adult exercised judgment that a reasonable person would use in determining whether the child could be unsupervised under the circumstances, and (B) no finding of substantial risk may be based solely on the adult’s allowing the child to participate in developmentally appropriate independent activities.

➤ **P.A. 23-188** **An Act Concerning Juvenile Justice**

Section 1 (Effective from passage)

This new law establishes an implementation team to develop a plan for prearrest diversion of low-risk children. It requires the team to consider stakeholder input, including from children, families, and law enforcement officials, in the development of the plan. It requires the team to, not later than January 1, 2024, develop a plan for automatic prearrest diversion of children to the community-based diversion system or other community-based service providers in lieu of arrest for first or second offenses. The team shall, not later than July 1, 2024, submit the plan and report on its findings and recommendations to the Juvenile Justice Policy and Oversight Committee (JJPOC), and shall terminate upon such submission or on January 1, 2025, whichever is later.

Section 2 (Effective from passage)

This amends *C.G.S. § 46b-121n, Juvenile Justice Policy and Oversight Committee. Reports*, to expand the membership of the Juvenile Justice Policy and Oversight Committee (JJPOC) by five people and establishes an incarceration subcommittee and a community expertise subcommittee.

Section 3 (Effective from passage)

This new law requires various state agencies to, in consultation with the JJPOC and not later than November 1, 2023, develop a reentry success plan for youth released from the Department of Correction and facilities and programs under the jurisdiction of the Judicial Department. The purpose of the plan is to successfully reintegrate youth into their communities, and the plan shall include, among other things, restorative and transformative justice principles and a quality assurance framework. The Court Support Services Division of the Judicial Branch and the Departments of Children and Families, Education, and Correction shall, not later than January 1, 2024, report the plan to the JJPOC.

Section 4 (Effective from passage)

This amends section 13 of *P.A. 21-174, An Act Concerning the Recommendations of The Juvenile Justice Policy and Oversight Committee*, to require the Judicial Branch to, not later than July 1, 2023, begin reviewing and updating the implementation plan regarding the secure housing of anyone in the branch's custody under age 18 who is arrested and detained. It requires the Judicial Branch to, not later than December 15, 2023, submit the plan and any recommendations to the General Assembly and the JJPOC.

CLEAN SLATE

➤ P.A. 23-134 **An Act Concerning Erasure of Criminal History Records**

Section 1 *Effective July 1, 2023*

This section amends subsection (e) of *C.G.S. § 54-142a, Erasure of criminal records*, the statute pertaining to "Clean Slate", erasure of convictions. This section requires a person to file a petition for erasure with the court and authorizes erasure of certain motor vehicle violations for which a person was convicted prior to January 1, 2000, as follows:

In cases with a motor vehicle violation for which no more than 1 year could be imposed, erasure after 7 years¹.

¹ But see Section 2 of *P.A. 23-169, An Act Concerning Parole Eligibility for an Individual Serving a Lengthy Sentence for a Crime Committed Before the Individual Reached the Age of Twenty-One and Criminal History Records Erasure*, which excludes misdemeanor violations of *C.G.S. § 14-227a, Operation while under the influence of liquor or drug or while having an elevated blood alcohol content*, from this section pertaining to motor vehicle violations.

In cases with a motor vehicle violation for which a maximum term greater than 1 year but less than 5 years could be imposed, erasure after 10 years.²

The section clarifies that the classification and maximum sentence that could have been imposed is determined by the law in effect at the time the offense was committed.

The act excludes from erasure eligibility per this section any conviction for a family violence crime on or after January 1, 2000. In addition to any conviction for a violation of section C.G.S. § 14-227a, *Operation while under the influence of liquor or drug or while having an elevated blood alcohol content*, within the preceding ten years of any arrest for the violation of section C.G.S. § 14-227a, *Operation while under the influence of liquor or drug or while having an elevated blood alcohol content*, the following are added to the list of offenses not eligible for erasure:

C.G.S. § 29-33 - Sale, delivery or transfer of pistols and revolvers. Procedure. Penalty.

C.G.S. § 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.

C.G.S. § 53a-64cc - Strangulation or suffocation in the third degree: Class A misdemeanor.

C.G.S. § 53a-196d - Possessing child pornography in the first degree: Class B felony.

C.G.S. § 53a-212 - Stealing a firearm: Class C felony.

C.G.S. § 53a-217 - Criminal possession of a firearm, ammunition or an electronic defense weapon: Class C felony.

C.G.S. § 53a-217c - Criminal possession of a pistol or revolver: Class C felony.

C.G.S. § 53a-323 - Abuse in the third degree: Class A misdemeanor.

In addition, the section narrows the application of the erasure to any conviction until the defendant has:

² But see Section 2 of P.A. 23-169, *An Act Concerning Parole Eligibility for an Individual Serving a Lengthy Sentence for a Crime Committed Before the Individual Reached the Age of Twenty-One and Criminal History Records Erasure*, which excludes felony violations of C.G.S. § 14-227a, *Operation while under the influence of liquor or drug or while having an elevated blood alcohol content*, from this section pertaining to motor vehicle violations.

“(A) Has completed serving any period of incarceration, parole, special parole, medical parole, compassionate parole or transitional supervision associated with any sentence for such offense and any other offense for which the defendant has been convicted on or after January 1, 2000, in this state;

(B) Has completed serving any period of probation for any sentence for any crime or crimes for which the defendant has been convicted on or after January 1, 2000, in this state; and

(C) Is not the subject of any pending state criminal charge in this state.”

The section also makes clear that the section does not remove or terminate a person’s obligation to register as a result of a conviction for an offense committed with a deadly weapon, a felony for a sexual purpose or an offense against a minor victim. Nor does an erasure terminate a person’s obligation to abide by a standing criminal protective order or pay a fine.

Records of a person’s conviction remain available to law enforcement, the court and the state’s attorney for verification purposes of obligations to register or abide by such orders.

Section 2 Effective July 1, 2023

This section amends subsection (i) of *C.G.S. § 54-142a, Erasure of criminal records*, clarifies that the act does not apply to criminal history record information as defined in *C.G.S. § 54-142g, Definitions*, in cases with more than one count or referencing more than one defendant while the case is pending, or, if a case is disposed, “unless and until” all counts in the cases, in the case of a police record and on relevant criminal cases of all referenced defendant are entitled to erasure.

The section adds the word “qualified” before the word electronic due to the narrowing of the records entitled to erasure per the amendments. In addition, does not include “any portion of a police record that is a narrative description, including, but not limited to, any such description contained in an investigative report.”

Erasure of published decisions of the Supreme or the Appellate Courts or records related to such is not required.

Section 3 Effective July 1, 2023

This section amends subsection (l) of *C.G.S. § 54-142a, Erasure of criminal records*, which defines “court records”. The definition is amended to include “any audio or video recording of any court proceeding” as being excluded from the definition of “court records”.

Section 4 *Effective July 1, 2023*

This section amends *C.G.S. § 54-142e, Judicial Department or criminal justice agency to make available information to identify erased records. Duty of consumer reporting agency or background screening provider to update and delete erased criminal records*, pertaining to the purchase of records or files regarding criminal matters to clarify that its requirements do not apply to any entity filing a mass request (request for 50 or more criminal matters of public record) for information pertaining to public criminal matters if the information does not provide personally identifiable information and the entity is not using the information for “commercial purposes”.

The amendment provides a process by which the Office of the Attorney General may send notice to an entity if it has disclosed an erased record to remove the erased record. Violation of this section is deemed an unfair or deceptive trade practice per subsection (as of *C.G.S. § 42-110b, Unfair trade practices prohibited. Legislative intent*).

Section 5 *Effective from passage*

This is new legislation which provides a process if the automated process developed hasn't marked a court or police record, or a record of the prosecutors erased. In that instance, the amendment mandates that *C.G.S. § 54-142t, Automated process for erasure of criminal records*, will determine whether the record is eligible for erasure and the eligibility of the defendants required to submit a petition for erasure for the records per the statutes.

Section 6 *Effective from passage*

This section amends *C.G.S. § 54-142t, Automated process for erasure of criminal records*, regarding the Criminal Justice Information System Governing Board (CJIS Board). It requires the Commissioner of Emergency Services and Public Protection to post no later than January 1, 2024, information on its website regarding records subject to erasure and annually review such.

In addition, it clarifies that any state or municipal agency is not liable for actions taken on criminal history record information which has been erased or deemed erased so long as it was done in good faith reliance on the information, such information has not been marked as erased by the automated system and the action was taken before January 1, 2024. The amendment is clear that there can be no claim against the state for failure to erase a record.

It removes any liability of a state or municipality for action taken on such criminal history records information required to be erased or deemed erased if within the immediate 30 day period after the records should have been marked if the:

“action is taken in good faith reliance on such criminal history record information; and (2) Such criminal history record information has not yet been marked as erased by the automated system required under this section, or, in the case of a municipality or other person, such erasure marking has not been communicated to such municipality or other person.”

Lastly, is the criminal history record information was required to be deemed erased by operation of law but wasn't, a person can submit his/her criminal history record information that it wasn't marked for erasure to the Department of Emergency Services and Public Protection. At a contested hearing, the Department will determine whether it should be deemed erased.

COMMUTATION

➤ P.A. 23-47 **An Act Concerning Various Revisions to The Criminal Law and Criminal Justice Statutes**

Section 1 (Effective October 1, 2023)

Section 1 amends *C.G.S. § 53a-39, Reduction of sentence or discharge of defendant by sentencing court or judge. Statement by victim*. Current law pertaining to sentence modifications provides no prohibition to a person who was granted full or partial relief in response to a motion for sentence modification. This section, however, requires a person to wait 5 years before being able to apply again for a sentence modification if the court denied their previous motion or granted the person full relief.

If after a hearing the court granted the motion in part, a person would be required to wait 3 years before applying again for a sentence modification.

Section 2 (Effective October 1, 2023)

Section 2 amends subsection (a) of *C.G.S. § 17a-566, Certain convicted persons to be examined. Report and recommendation*, and removes the reference to the former “Somers” Correctional Institution.

Section 3 (Effective October 1, 2023)

Section 3 amends subsection (a) of *C.G.S. § 18-100h, Release of persons convicted of certain motor vehicle and drug offenses to their residences*, to expand the authority of the Commissioner of Correction to release a person to his/her residence with conditions, and possibly electronic monitoring. Current law, provides this authority for a person sentenced to incarceration pursuant to *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, subsection (g) of C.G.S. § 14-227a, Operation while under the influence of liquor or drug or while having an elevated blood alcohol content, or subdivision (1) of subsection (c) of C.G.S. § 14-227m, Operation of motor vehicle with a child passenger while under the influence of liquor or drug or while having an elevated blood alcohol content. Procedures. Penalties. The amendment expands the authority of the Commission to anyone sentenced to incarceration pursuant to C.G.S. § 14-227k, *Avoidance of, tampering with or failure to install ignition interlock device.*

Section 4 (Effective October 1, 2023)

Section 4 amends C.G.S. § 21a-279a, *Limits for legal possession of cannabis. Penalty for illegal possession. Calculation of amount and equivalencies*, and expands the good Samaritan provisions to protect and provide an incentive for individuals to render aid to an individual experiencing a drug or alcohol overdose and who in good faith seeks medical assistance for themselves if evidence of cannabis possession is obtained because of seeking medical assistance. The section excludes anyone seeking medical assistance while a search or arrest warrant is executed.

Sections 5 & 6 (Effective October 1, 2023)

These amend subsection (i) of C.G.S. § 14-36, *Motor vehicle operator's license*, subsection (b) 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*, to eliminate the mandatory minimum sentence where mitigating circumstances have been determined by the court. Current law provides for the imposition of a 90-day mandatory minimum sentence if a person has committed 2 or more violations of this statute or subsection (a) 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*, or any combination of such, prior to the present violation.

Section 7 (Effective October 1, 2023)

This amends subsection (b) of C.G.S. § 51-164n, *Procedure upon summons for infraction or certain violations. Payment by mail. Procedure at trial*, by removing C.G.S. § 7-148f, *Penalty for violations.*

Section 8 (Effective October 1, 2023)

This amends subsection (f) of C.G.S. § 29-6d, *Use of body-worn recording equipment and dashboard cameras. When recording prohibited. Retention of data*, authorizing the delay

of body cam recording to the public if the officer is reasonably unable to review the recording due to the officer's "medical or physical response or an acute psychological stress response to the incident." Any delay, however, cannot occur more than 144 hours following the recorded incident.

Section 9 (Effective October 1, 2023)

This amends subdivision (3) of *C.G.S. § 53a-65, Definitions*, to expand the definition of sexual contact to include contact with the intimate parts of the body of a deceased person or any contact by a person of their intimate parts with the body of a deceased person, for the purpose of sexual gratification.

Section 10 (Effective October 1, 2023)

This amends *C.G.S. § 53a-73a, Sexual assault in the fourth degree: Class A misdemeanor or class D felony*, to provide that a person is guilty of sexual assault in the fourth degree if a person engages in sexual contact with the body of a deceased person.

Section 11 (Effective October 1, 2023)

This amends *C.G.S. § 54-130a, Jurisdiction and authority of board to grant commutations of punishment, releases, pardons and certificates of rehabilitation*, to provide, upon written request of the state's attorney, certain materials and documents filed with the Board of Pardon and Parole in a commutation proceeding. Materials and documentation which are confidential, privileged, or non-disclosable under state or federal law would not be included. The amendment also permits the state's attorney to appear at the commutation session to make a statement as to whether the commutation should be granted.

CORRECTION, DEPARTMENT OF

➤ **P.A. 23-12** **An Act Concerning the Transfer of Persons Who Are Incarcerated Between Correctional Facilities and The Use of Body Scanning Machines in Correctional Facilities as An Alternative to The Use of Strip Searches**

Section 1 (Effective October 1, 2023)

This adds to the notification requirements in *C.G.S. § 18-81e, Notification of victim of release of inmate from correctional facility*, notification upon the transfer of a person who is incarcerated from a correctional facility to another correctional facility; such notification extends to each victim and to an immediate family member of the person who is incarcerated.

Section 2 Effective February 1, 2024

This requires that the Commissioner of Correction report, on or before February 1, 2024, on the status of the procurement of body scanning machines for use in correctional facilities.

Section 3 Effective from passage

This requires that the Commissioner of Correction issue, on or before January 1, 2024, a request for proposal for the procurement of body scanning machines to be used for the purpose of conducting full-body x-ray screenings of persons who are incarcerated so as to (1) allow correctional facility staff to identify contraband in and on the body, and (2) reduce the number of strip searches conducted to perform searches for contraband.

CRIMINAL JUSTICE INFORMATION SYSTEM (CJIS)

➤ **P.A. 23-36** **An Act Concerning the State’s Criminal Justice Information System**

Section 1 (Effective October 1, 2023)

This act amends *C.G.S. § 54-142s, Erasure of record of person for certain cannabis convictions for possession, possession or use of paraphernalia or manufacture or for distribution, sale, prescription, administration or growing of cannabis*, to require any vendor or contractor assisting in the design/implantation of the Criminal Justice Information System (CJIS) to obtain written approval from the CJIS Governing Board when seeking access to criminal history record information. The act further details the criteria for such contracts.

DIVERSIONARY PROGRAMS

➤ **P.A. 23-53** **An Act Addressing Gun Violence**

Section 1 Effective October 1, 2023

This section amends *C.G.S. § 29-35, Carrying of pistol or revolver without permit prohibited. Exceptions*, and prohibits a person from “knowingly” carrying a firearm with intent to display. The act creates certain exceptions which include if a person is in his/her home, on land he/she lease or own, if in his/her place of business, if engaged in firearm training or hunting.

It is not a violation if the person has taken reasonable measures to conceal the firearm. In addition, it is not a violation if a firearm imprint can be seen through the person's clothing, the firearm is displayed in self-defense or displayed in other lawful conduct.

The section is not applicable to CT and federal law enforcement, federal marshals, DMV inspectors, CT parole, military personnel who are going to or from duty, military group member who are participating in events such as a parade, or when transporting a firearm as a result of a purchase, seeking repair, or attending training.

Section 2 Effective October 1, 2023

This section amends *C.G.S. § 29-37, Penalties*, in that a violation of this statute is a class B misdemeanor for a first offense and a class A misdemeanor for any subsequent offense.

The court is permitted to grant suspension of prosecution, in addition to other diversionary programs available, if it finds that the violation was not of a serious nature, the person will probably not offend in the future, has not been previously convicted or received suspension of prosecution previously. The court can release the person to the supervision of the Court Support Services Division (CSSD) for up to 2 years with conditions. If all conditions are complied with, dismissal is possible. However, if the court denies dismissal of the charges, the denial serves as a final judgment for appeal purposes.

Section 3 Effective from passage

This section amends *C.G.S. § 29-36a, Manufacture of a firearm. Acquisition of unique serial number or other mark of identification. Exceptions. Penalty*, regarding manufacture of firearms with serial number or other identifying marks. It prohibits a person from possessing any firearm without such on or after January 1, 2024, unless they have declared possession of the firearm or applied for a serial number or identification mark from the Department of Emergency Services and Public Protection (DESPP). Military personnel have 90 from the time they return to the state to apply for such. Persons moving into Connecticut from another state who have lawful possession, defined in this section, of a firearm without a serial number or identification mark have 90 days to obtain such, remove it from their possession, make the firearm inoperable or sell such to a federally licensed firearm dealer.

This section is not applicable to transfers of such firearms if by bequest or intestate succession or upon a person's death if to a trust, from a trust to a beneficiary or to a police department or DESPP.

It is a violation for anyone to knowingly, recklessly or with criminal negligence assist another to manufacture a firearm for someone who is ineligible to possess or purchase such.

Suspension of prosecution is still available under the statute. The act provides that a violation of this statute by a person who is ineligible to possess a firearm is a class C felony.

However, violation by a person who is not ineligible to possess a firearm is a class C misdemeanor.

Section 4 Effective October 1, 2023

This section amends subsection (a) of *C.G.S. § 29-28, Permit for sale at retail of pistol or revolver. Permit to carry pistol or revolver. Confidentiality of name and address of permit holder. Permits for out-of-state residents*, and pertains to persons who hold a valid permit for the retail sale of pistols or revolvers.

Section 5 Effective October 1, 2023

This section amends subsection (d) of *C.G.S. § 29-28, Permit for sale at retail of pistol or revolver. Permit to carry pistol or revolver. Confidentiality of name and address of permit holder. Permits for out-of-state residents*, and makes technical changes.

Section 6 Effective October 1, 2023

This section amends subsection (a) of *C.G.S. § 29-30, Fees for pistol and revolver permits. Expiration and renewal of permits*, and makes technical changes.

Section 7 Effective October 1, 2023

This section amends *C.G.S. § 29-31, Display of permit to sell. Record of sales*, and makes technical changes and provides that records of vendor of firearm sales are also available to federal law enforcement agency investigators for official purposes related their employment.

Section 8 Effective October 1, 2023

This section is new in regard to duties of a person permitted to sell firearms at retail. It prohibits a person from making false statements on an application and maintain certain permits and other controls or violate any other statute pertaining to the sale, delivery or transfer of firearms.

Law enforcement or the chief executive officer of a municipality may issue notice of a violation which must be remedied within 30 days. If it is not, further sales can be prohibited by the issuance of a stop sales order. If a person violates the stop sales order, they are guilty of a class C felony.

The section provides for a process in which a hearing may take place before the Commissioner of DESPP.

Section 9 Effective October 1, 2023

This section amends *C.G.S. § 29-33, Sale, delivery or transfer of pistols and revolvers. Procedure. Penalty*, to prohibit the sale of more than 3 firearms to anyone within a 30 day period. There are exceptions.

Section 10 Effective October 1, 2023

This section amends *C.G.S. § 29-36l, Verification of eligibility of persons to receive or possess firearms. State database. Instant criminal background check. Immunity of seller or transferor. Authorization number required*, and makes technical changes.

Section 11 Effective October 1, 2023

This section amends *C.G.S. § 29-37a, Sale, delivery or transfer of long guns. Procedure. Penalty*, to remove the word “retail” from the statute pertaining to the sale or delivery of firearms, specifically long guns.

Section 12 Effective October 1, 2023

This section amends *C.G.S. § 29-37i, Responsibilities re storage of firearms*, and removes language pertaining to storage of a firearm when a minor might obtain access. The language is expanded to require proper storage of any firearm under the person’s control.

Section 13 Effective October 1, 2023

This section amends *C.G.S. § 29-38b, Determination of commitment or admission status of person who applies for or seeks renewal of firearm permit or certificate. Report on status of application*, is technical in nature and continues to require the Commissioner of DESSP to verify that any applicant for a permit or renewal has not been confined to a hospital for persons with psychiatric disabilities or voluntarily committed within the preceding 6 months.

Section 14 Effective October 1, 2023

This section amends *C.G.S. § 29-38m, Sale of ammunition or ammunition magazine*, makes technical changes.

Section 15 *Effective from passage*

This section amends subsections (d) to (f) of C.G.S. § 53-202f, *Transportation and transfer of assault weapon. Authorized actions of gun dealer, manufacturer, pawnbroker or consignment shop operator*, regarding the lawful transfer of 2023 assault weapons lawfully possessed. Such transfer must be to a licensed gun dealer by April 30, 2024.

Section 16 *Effective October 1, 2023*

This section amends subsection (b) of C.G.S. § 54-36e, *Firearms and ammunition to be turned over to state police. Sale at public auction*, makes technical changes.

Section 17 *Effective October 1, 2023*

This section amends subsection (e) of C.G.S. § 53-202l, *Armor piercing and incendiary .50 caliber ammunition: Definition. Sale or transfer prohibited. Class D felony*, makes technical changes.

Section 18 *Effective October 1, 2023*

This section amends subsection (g) of C.G.S. § 53-202w, *Large capacity magazines. Definitions. Sale, transfer or possession prohibited. Exceptions*, makes technical changes.

Section 19 *Effective October 1, 2023*

This section amends subsection (f) of C.G.S. § 53-206g, *Sale, possession, use or manufacture of bump stocks or other rates of fire enhancement prohibited. Class D felony or Class D misdemeanor*, makes technical changes.

Section 20 *Effective October 1, 2023*

This section amends C.G.S. § 53a-217a, *Criminally negligent storage of a firearm: Class D felony*, to provide that a person is not guilty of criminally negligent storage of a firearm if another person obtains a firearm as a result of breaking into another's premises and if reported as stolen.

Section 21 *Effective October 1, 2023*

This section amends C.G.S. § 54-66a, *Automatic termination of bail bonds*, makes technical changes.

Section 22 *Effective October 1, 2023*

This section amends subsection (8) of *C.G.S. § 54-280, Definitions. Registry of offenders convicted of offense committed with a deadly weapon. Suspension of registration. Registration information. Notification protocol. Confidentiality*, makes technical changes.

Section 23 *Effective from passage*

This section amends *C.G.S. § 53-202a, Assault weapons: Definitions*, and substantially expands the definition of an assault weapon.

Section 24 *Effective from passage*

This section amends *C.G.S. § 53-202c, Possession of assault weapon prohibited. Exemptions. Class D felony*, makes numerous technical changes pertaining to the possession of assault weapons and the exceptions to the statute for possession.

Section 25 *Effective from passage*

This section amends subsections (a) and (b) of *C.G.S. § 53-202d, Certificate of possession of assault weapon. Certificate of transfer of assault weapon to gun dealer. Circumstances where possession of assault weapon authorized*, regarding persons possessing 2023 assault weapons on the date immediately preceding the effective date of the passage for certificates of possession, persons in lawful possession of such who are required to obtain a certificate of possession and persons who are exempt.

Section 26 *Effective from passage*

This section amends subsection (b) of *C.G.S. § 29-36n, Protocol for the transfer, delivery or surrender of pistols, revolvers, other firearms and ammunition*, makes technical changes.

Section 27 *Effective October 1, 2023*

This section amends *C.G.S. § 53-202w, Large capacity magazines. Definitions. Sale, transfer or possession prohibited. Exceptions*, changes the penalties for persons convicted of possessing a large capacity magazine. Time periods are removed and the change is applicable to everyone. If a person is ineligible to possess a firearm under state or federal law, he/she is guilty of a class D felony. If, however, a person is eligible to possess a large capacity magazine they are guilty of a class A misdemeanor as provided in the statute.

Section 28 *Effective October 1, 2023*

This section amends subsections (a) and (b) of *C.G.S. § 29-37p, Long gun eligibility certificate. Disqualifiers*, provides the process for applications for long gun certificates depending upon when a person may have applied and failed to complete the required course. In addition, long gun certificates are prohibited from being issued to anyone convicted of a misdemeanor domestic violence offense.

Section 29 *Effective October 1, 2023*

This section amends subsection (b) of *C.G.S. § 29-28, Permit for sale at retail of pistol or revolver. Permit to carry pistol or revolver. Confidentiality of name and address of permit holder. Permits for out-of-state residents*, provides the process for permit applications depending upon when a person may have applied and failed to complete the required course. In addition, permits are prohibited from being issued to anyone convicted of a misdemeanor domestic violence offense.

Section 30 *Effective October 1, 2023*

This section amends subsection (b) of *C.G.S. § 29-36f, Eligibility certificate for pistol or revolver*, provides the process for applications for eligibility certificates depending upon when a person may have applied and failed to complete the required course. In addition, eligibility certificates are prohibited from being issued to anyone convicted of a misdemeanor domestic violence offense.

Section 31 *Effective October 1, 2023*

This section amends *C.G.S. § 53a-217, Criminal possession of a firearm, ammunition or an electronic defense weapon: Class C felony*, and provides that a person is guilty of criminal possession of a firearm, ammunition or an electronic defense weapon if they have been convicted of a misdemeanor family violence crime pursuant to *C.G.S. § 46b-38h, Designation of conviction of certain crimes as involving family violence for purposes of criminal history record information*, on or after October 1 2023.

Section 32 *Effective October 1, 2023*

This section amends *C.G.S. § 53a-217c, Criminal possession of a pistol or revolver: Class C felony*, to provide a person is guilty of criminal possession of a pistol or revolver if convicted of a misdemeanor family violence crime on or after October 1, 2023.

Section 33 *Effective October 1, 2023*

This section amends subsection (a) of *C.G.S. § 29-37b, Retail dealer to equip pistols and revolvers with gun locking device and provide written warning at time of sale. Penalty*, and makes technical changes.

Section 34 *Effective July 1, 2023*

This section amends subsection (a) of *C.G.S. § 53-205, Loaded shotguns, rifles and muzzleloaders prohibited in vehicles and snowmobiles*, and prohibits a person from carrying loaded firearms or muzzleloaders under certain circumstances.

Section 35 *Effective October 1, 2023*

This section amends *C.G.S. § 53-341b, Sale or delivery of body armor restricted*, prohibits the sale or delivery of body armor unless a person possesses a permit or certificate issued under the law. It also expands the exceptions to this prohibition to include federal firearms licensee or employees of certain emergency medical services organizations.

Section 36 *Effective October 1, 2023*

This section amends *C.G.S. § 53a-3, Definitions*, defines a serious firearm offense as:

“ . . . a violation of *C.G.S. § 29-36, Alteration of firearm identification mark, serial number or name*, *C.G.S. § 29- 36a, Manufacture of a firearm. Acquisition of unique serial number or other mark of identification. Exceptions. Penalty*, as amended by this act, or *C.G.S. § 53-202w, Large capacity magazines. Definitions. Sale, transfer or possession prohibited. Exceptions*, as amended by this act, possession of a stolen firearm or a firearm that is altered in a manner that renders the firearm unlawful, or any crime of which an essential element is that the person discharged, used or was armed with and threatened the use of a firearm; . . . ”

It further defines a serious firearm offender as:

“ . . . a person who has (A) two convictions for a serious firearm offense, (B) a conviction for a serious firearm offense and was previously convicted of a violation of *C.G.S. § 29-36, Alteration of firearm identification mark, serial number or name*, *C.G.S. § 29- 36a, Manufacture of a firearm. Acquisition of unique serial number or other mark of identification. Exceptions. Penalty*, as amended by this act, subdivision (1) of subsection (a) of *C.G.S. § 53a-217, Criminal possession of a firearm, ammunition or an electronic defense weapon: Class C felony*, as amended by this act, or subdivision (1) of subsection (a) of *C.G.S. § 53a-217c, Criminal possession of a pistol or revolver: Class C felony*, as amended by this

act, or (C) a conviction for a serious firearm offense and was previously convicted of two or more additional felony offenses”.

Section 37 Effective October 1, 2023

This section amends *C.G.S. § 53a-32, Violation of probation or conditional discharge. Notice to victim or victim advocate. Arrest. Pretrial release conditions and supervision. Hearing. Disposition*, and authorizes a probation officer who has probable cause to believe a probationer is a serious firearm offender who has violated probation conditions, or been arrested for a serious firearm offense, to apply to the court for an arrest warrant. The section provides the process for notifying law enforcement and puts a 60 day time limit within which the hearing must be scheduled after the person’s arraignment. The section provides that there is a rebuttable presumption the serious firearm offender poses a danger to the safety of other persons when considering bail.

Section 38 Effective October 1, 2023

This section amends *C.G.S. § 54-64a, Release by judicial authority*, to permit the prosecutor to petition that the defendant post at least 30% of the bond with the court and provides a rebuttable presumption that the safety of others will be endangered without the granting of the petition.

In addition, the section articulates the conditions that the court can impose and the factors that may be considered by the court in determining such and state such on the record.

Section 39 Effective October 1, 2023

This section amends *C.G.S. § 54-64f, Violation of conditions of release. Imposition of different or additional conditions. Revocation of release*, provides the process for the automatic termination of any bond posted and surety release if a defendant’s release is revoked and for the hearing at which the court can revoke the release, and the forfeiture of any bond if a person commits a serious firearm offense while on pretrial release.

Section 40 Effective October 1, 2023

This section amends *C.G.S. § 54-127, Rearrest*, provides the process for holding a parolee without a warrant if the parolee is a serious firearm offender and is arrested while on parole for a felony or a serious firearm offense.

Section 41 Effective from passage

This section is new and creates “firearm-related crime dockets in the Fairfield, Hartford, New Haven and Waterbury Geographical Areas by December 31, 2023.

Section 42 Effective October 1, 2023

This section is new and authorizes law enforcement and prosecutors who are aware of someone released on parole or probation “who poses a serious threat to public safety” to file an emergency petition with the probationer parole office the Chief State’s Attorney. The petition must articulate the risk factors that exist as to why the person is a serious threat to public safety. Forty-eight hours after receipt an arrest warrant must be sought.

Section 43 Effective October 1, 2023

This section amends subsection (a) of *C.G.S. § 53a-222, Violation of conditions of release in the first degree: Class D or Class C felony*, and makes technical changes.

Section 44 Effective October 1, 2023

This section amends subsection (a) of *C.G.S. § 53a-222a, Violation of conditions of release in the second degree: Class A misdemeanor or Class D felony*, and makes technical changes.

Section 45 Effective October 1, 2023

This section amends *C.G.S. § 53-202g, Report of loss or theft of assault weapon or other firearm. Penalty*, and makes technical changes.

Section 46 Effective October 1, 2023

This section amends *C.G.S. § 29-28a, Application for permit. Notice of decision to applicant*, to require that a detailed written reason be given if a person is denied a temporary state permit.

Section 47 Effective from passage

This section is new pertaining to a response plan for a mass shooting event.

Section 48 Effective October 1, 2023

This section is new to require law enforcement to post publicly the process to obtain a permit to carry.

Section 49 Effective from passage

This section repeals *C.G.S. § 53-202m, Circumstances when assault weapons exempt from limitations on transfers and registration requirements*.

DMV

- **P.A. 23-40** **An Act Implementing The Recommendations Of The Department Of Motor Vehicles, Studying An Emergency Contact Information Database Or Revisions To Motor Vehicle Records And Concerning The Safety Driving Course, Motor Vehicle Dealers And Repairers, Motor Vehicle Safety Recalls, The Knowledge Test For An Operator's License, Reciprocal Recognition Of Driver Training Requirements, Trespass On Watershed Land, Emergency Lights, Removable Windshield Placards, School Buses, Registration Certificates And Minor Revisions To Motor Vehicle Statutes**

Section 15 Effective October 1, 2023

This amends subsection (d) of *C.G.S. § 14-100a, Seat safety belts. Child restraint systems. Wheelchair transportation devices*, to allow courts to remit a car seat violation fine if the situation is a first offense and the person shows proof that an appropriate car seat has been acquired.

Sections 16 Effective October 1, 2023

This amends *C.G.S. § 14-147, Improper use of marker, registration or license*, to make various changes to the penalties associated with counterfeiting motor vehicle number plates or markers, altering a vehicle registration or operator's license, and sharing, loaning, or selling same. Of note, such counterfeiting, alteration, and sale become class D misdemeanors.

Sections 21 Effective October 1, 2023

This amends *C.G.S. § 54-1q, Court to advise defendant that guilty or nolo contendere plea may have consequence of suspension of driver's license*, to add the offenses noted in § 16 to the list of offenses for which the court shall not accept a plea of guilty or nolo contendere unless the court advises such person that conviction of the offense may result in license suspension.

Sections 22 Effective October 1, 2023

This amends *C.G.S. § 54-143a, Cost imposed for infractions and certain motor vehicle violations*, to add the offenses noted in § 16 to the list of offenses for which a cost of twenty dollars shall be imposed.

Sections 27 Effective October 1, 2023

This amends subsections (d) and (e) of *C.G.S. § 14-36, Motor vehicle operator's license*, to require that cannabis be addressed in the eight-hour driver safety course, and that the course include a video on the effects of cannabis on drivers.

Sections 31 Effective October 1, 2023

This new law establishes a separate, specific violation: “simple trespass of public water supply watershed land,” an infraction carrying a \$90 fine.

Sections 32 Effective October 1, 2023

This amends *C.G.S. § 14-283b, Motor vehicle operator required to move over when approaching emergency vehicle that is stationary or traveling significantly below speed limit and nonemergency vehicle that is stationary and located on shoulder*, to expand the “move over” law to undivided two-lane roads, requiring drivers approaching a stationary or slow-moving emergency vehicle to slow down until they have safely passed the emergency vehicle.

Sections 37 Effective July 1, 2023

This amends subsection (c) of *C.G.S. § 14-296aa, Use of hand-held mobile telephones and mobile electronic devices by motor vehicle operators and school bus drivers prohibited or restricted. Exceptions. Penalties. Amounts remitted to municipality. Record of violation*, to provide an exception to the distracted driving law by allowing school bus drivers to use certain DMV-approved electronic devices for navigation purposes.

DOMESTIC VIOLENCE

➤ P.A. 23-106 **An Act Strengthening the Protections Against and Response to Domestic Violence**

Section 1 Effective July 1, 2023

This section amends subsection (f) of *C.G.S. § 46b-38c, Family violence response and intervention units. Local units. Duties and functions. Protective orders. Electronic monitoring pilot program. Pretrial family violence education program; fees. Training program*, and expands the current electronic monitoring pilot programs established by the Judicial Department to require Judicial to create such programs in every judicial district no later than October 1, 2025.

Section 2 *Effective October 1, 2023*

This is new legislation which prohibits the court from ordering temporary or permanent alimony from a victim who has been injured by their spouse who has been convicted of the following offenses against the injured spouse:

- Attempted murder;
- Conspiracy to commit murder;
- A class A or B felony sexual assault pursuant to *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-71, Sexual assault in the second degree: Class C or B felony, or C.G.S. § 53a-72b, Sexual assault in the third degree with a firearm: Class C or B felony, of the general statutes;*
- A class A or B felony family violence crime defined in *C.G.S. § 46b-38a, Family violence prevention and response: Definition;* or,
- Any crime in another state for which the essential elements are substantially the same as the ones above.

Section 3 *Effective July 1, 2023*

This section amends subsection (h) of *C.G.S. § 46b-15f, Grant program to provide legal assistance to indigents applying for restraining orders*, to require the program provider to submit a report to the General Assembly which should include information on:

“(A) [w]hether there are or could be a sufficient number of grant recipients to administer the program in each applicable courthouse in the state; (B) which, if any, courthouse in the state is not a feasible location for expansion of the program; and (C) the level of funding needed to fund a state-wide expansion of the program.”

EXECUTIONS

- **P.A. 23-23** **An Act Concerning Service of Bank Executions, Wage Executions and Tax Warrants by State Marshals and Authorized Service of Process by Indifferent Persons**

Section 4 *Effective October 1, 2023*

This amends *C.G.S. § 52-50, Persons to whom process shall be directed*, to remove situational authority for an indifferent person to service process; thus, it limits when an indifferent person may serve process to those specific instances noted in statute.

GAMING

➤ P.A. 23-54 **An Act Revising Various Gaming Statutes**

Section 8 Effective from passage

This amends *C.G.S. § 29-18c, Special policemen for Department of Consumer Protection*, to expand the jurisdiction of persons who are investigators within the Department of Consumer Protection and who are appointed by the Commissioner of Emergency Services and Public Protection to act as special police officers to include offenses arising from retail sports wagering.

FALSE CLAIM

➤ P.A. 23-129 **An Act Concerning Liability for False and Fraudulent Claims**

Section 1 Effective July 1, 2023

This section amends *C.G.S. § 4-274, Definitions*, to remove from the definitions, state-administered health or human services programs administered by certain state agencies.

Section 2 Effective July 1, 2023

This section amends *C.G.S. § 4-275, False claims and other prohibited acts re state-administered health or human services programs. Penalties*, to remove state administered health or human service program to expand the authority to be civilly liable for presenting false or fraudulent claims.

Section 3 Effective July 1, 2023

This section amends *C.G.S. § 4-276, Attorney General's investigation of prohibited acts. Civil action*, which permits the Attorney General to investigate false or fraudulent claims. The amendment provides such authority within available appropriations.

FAMILY VIOLENCE

➤ P.A. 23-136 **An Act Concerning a Study of The Consolidation of The Family Violence Model Policy Governing Council and The Domestic Violence Offender Program Standards Advisory Council**

Section 1 Effective July 1, 2023

This amends *C.G.S. § 46b-38j, Family Violence Model Policy Governing Council. Membership. Duties. Annual report*, to establish and describe the Domestic Violence

Criminal Justice Response and Enhancement Council, the consolidated entity replacing the Family Violence Model Policy Governing Council and the Domestic Violence Offender Program Standards Advisory Council. The membership includes the Chief Public Defender or the Chief Public Defender's designee. The council's annual report shall include any recommendations for statutory or policy changes within the purview of the council.

Section 2 Effective July 1, 2023

This amends *C.G.S. § 46b-38m, Accessibility of domestic violence offender program standards on Judicial Branch's Internet web site*, to require the Chief Court Administrator to ensure that the "domestic violence offender program" standards provided by the council are posted on the Judicial Branch website.

Section 3 Effective July 1, 2023

This amends subdivision (2) of subsection (g) 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 immigration status is questionable. Exceptions*, to state that the council is the body responsible for amending the state's model law enforcement policy on family violence.

Section 4 Effective October 1, 2023

This amends section 2 of *P.A. 23-106, An Act Strengthening the Protections Against and Response to Domestic Violence*, to provide that any order of temporary or permanent alimony entered by a court from an injured spouse to a spouse subsequently convicted of any of the enumerated offenses shall be terminated by the court upon the injured spouse's motion to terminate alimony based upon the conviction filed by the injured spouse.

Section 5 Effective July 1, 2023

This repeals *C.G.S. § 46b-38l, Domestic Violence Offender Program Standards Advisory Council*.

FIREARMS

- **P.A. 23-69** **An Act Concerning Firearm Incident Reports and a Task Force on Recruitment and Retention of Police Officers**

Section 1 Effective July 1, 2023

This requires that, on and after October 1, 2023, a police officer who responds to an alleged crime or fatality involving the use of a firearm must complete a firearm incident report as prescribed by the Commissioner of Emergency Services and Public Protection. It requires law enforcement units to send such reports to the Department of Emergency Services and Public Protection (DESPP), and requires DESPP to compile and publish statistics (starting not later than January 1, 2026).

Section 2 Effective from passage

This establishes a task force to study and make recommendations regarding the recruitment and retention of police officers in the state. The task force must report its findings and recommendations not later than January 1, 2024, and shall terminate upon making such report, or January 1, 2024, whichever is later.

➤ **P.A. 23-53 An Act Addressing Gun Violence**

Section 1 Effective October 1, 2023

This section amends *C.G.S. § 29-35, Carrying of pistol or revolver without permit prohibited. Exceptions*, and prohibits a person from “knowingly” carrying a firearm with intent to display. The act creates certain exceptions which include if a person is in his/her home, on land he/she lease or own, if in his/her place of business, if engaged in firearm training or hunting.

It is not a violation if the person has taken reasonable measures to conceal the firearm. In addition, it is not a violation if a firearm imprint can be seen through the person’s clothing, the firearm is displayed in self-defense or displayed in other lawful conduct.

The section is not applicable to CT and federal law enforcement, federal marshals, DMV inspectors, CT parole, military personnel who are going to or from duty, military group member who are participating in events such as a parade, or when transporting a firearm as a result of a purchase, seeking repair, or attending training.

Section 2 Effective October 1, 2023

This section amends *C.G.S. § 29-37, Penalties*, in that a violation of this statute is a class B misdemeanor for a first offense and a class A misdemeanor for any subsequent offense.

The court is permitted to grant suspension of prosecution, in addition to other diversionary programs available, if it finds that the violation was not of a serious nature, the person will probably not offend in the future, has not been previously convicted or

received suspension of prosecution previously. The court can release the person to the supervision of the Court Support Services Division (CSSD) for up to 2 years with conditions. If all conditions are complied with, dismissal is possible. However, if the court denies dismissal of the charges, the denial serves as a final judgment for appeal purposes.

Section 3 Effective from passage

This section amends *C.G.S. § 29-36a, Manufacture of a firearm. Acquisition of unique serial number or other mark of identification. Exceptions. Penalty*, regarding manufacture of firearms with serial number or other identifying marks. It prohibits a person from possessing any firearm without such on or after January 1, 2024, unless they have declared possession of the firearm or applied for a serial number or identification mark from the Department of Emergency Services and Public Protection (DESPP). Military personnel have 90 from the time they return to the state to apply for such. Persons moving into Connecticut from another state who have lawful possession, defined in this section, of a firearm without a serial number or identification mark have 90 days to obtain such, remove it from their possession, make the firearm inoperable or sell such to a federally licensed firearm dealer.

This section is not applicable to transfers of such firearms if by bequest or intestate succession or upon a person's death if to a trust, from a trust to a beneficiary or to a police department or DESPP.

It is a violation for anyone to knowingly, recklessly or with criminal negligence assist another to manufacture a firearm for someone who is ineligible to possess or purchase such.

Suspension of prosecution is still available under the statute. The act provides that a violation of this statute by a person who is ineligible to possess a firearm is a class C felony.

However, violation by a person who is not ineligible to possess a firearm is a class C misdemeanor.

Section 4 Effective October 1, 2023

This section amends subsection (a) of *C.G.S. § 29-28, Permit for sale at retail of pistol or revolver. Permit to carry pistol or revolver. Confidentiality of name and address of permit holder. Permits for out-of-state residents*, and pertains to persons who hold a valid permit for the retail sale of pistols or revolvers.

Section 5 *Effective October 1, 2023*

This section amends subsection (d) of *C.G.S. § 29-28, Permit for sale at retail of pistol or revolver. Permit to carry pistol or revolver. Confidentiality of name and address of permit holder. Permits for out-of-state residents*, and makes technical changes.

Section 6 *Effective October 1, 2023*

This section amends subsection (a) of *C.G.S. § 29-30, Fees for pistol and revolver permits. Expiration and renewal of permits*, and makes technical changes.

Section 7 *Effective October 1, 2023*

This section amends *C.G.S. § 29-31, Display of permit to sell. Record of sales*, and makes technical changes and provides that records of vendor of firearm sales are also available to federal law enforcement agency investigators for official purposes related their employment.

Section 8 *Effective October 1, 2023*

This section is new in regard to duties of a person permitted to sell firearms at retail. It prohibits a person from making false statements on an application and maintain certain permits and other controls or violate any other statute pertaining to the sale, delivery or transfer of firearms.

Law enforcement or the chief executive officer of a municipality may issue notice of a violation which must be remedied within 30 days. If it is not, further sales can be prohibited by the issuance of a stop sales order. If a person violates the stop sales order, they are guilty of a class C felony.

The section provides for a process in which a hearing may take place before the Commissioner of DESPP.

Section 9 *Effective October 1, 2023*

This section amends *C.G.S. § 29-33, Sale, delivery or transfer of pistols and revolvers. Procedure. Penalty*, to prohibit the sale of more than 3 firearms to anyone within a 30 day period. There are exceptions.

Section 10 *Effective October 1, 2023*

This section amends *C.G.S. § 29-36l, Verification of eligibility of persons to receive or possess firearms. State database. Instant criminal background check. Immunity of seller or transferor. Authorization number required*, and makes technical changes.

Section 11 *Effective October 1, 2023*

This section amends *C.G.S. § 29-37a, Sale, delivery or transfer of long guns. Procedure. Penalty*, to remove the word “retail” from the statute pertaining to the sale or delivery of firearms, specifically long guns.

Section 12 *Effective October 1, 2023*

This section amends *C.G.S. § 29-37i, Responsibilities re storage of firearms*, and removes language pertaining to storage of a firearm when a minor might obtain access. The language is expanded to require proper storage of any firearm under the person’s control.

Section 13 *Effective October 1, 2023*

This section amends *C.G.S. § 29-38b, Determination of commitment or admission status of person who applies for or seeks renewal of firearm permit or certificate. Report on status of application*, is technical in nature and continues to require the Commissioner of DESSP to verify that any applicant for a permit or renewal has not been confined to a hospital for persons with psychiatric disabilities or voluntarily committed within the preceding 6 months.

Section 14 *Effective October 1, 2023*

This section amends *C.G.S. § 29-38m, Sale of ammunition or ammunition magazine*, makes technical changes.

Section 15 *Effective from passage*

This section amends subsections (d) to (f) of *C.G.S. § 53-202f, Transportation and transfer of assault weapon. Authorized actions of gun dealer, manufacturer, pawnbroker or consignment shop operator*, regarding the lawful transfer of 2023 assault weapons lawfully possessed. Such transfer must be to a licensed gun dealer by April 30, 2024.

Section 16 *Effective October 1, 2023*

This section amends subsection (b) of *C.G.S. § 54-36e, Firearms and ammunition to be turned over to state police. Sale at public auction*, makes technical changes.

Section 17 *Effective October 1, 2023*

This section amends subsection (e) of *C.G.S. § 53-202l, Armor piercing and incendiary .50 caliber ammunition: Definition. Sale or transfer prohibited. Class D felony*, makes technical changes.

Section 18 *Effective October 1, 2023*

This section amends subsection (g) of *C.G.S. § 53-202w, Large capacity magazines. Definitions. Sale, transfer or possession prohibited. Exceptions*, makes technical changes.

Section 19 *Effective October 1, 2023*

This section amends subsection (f) of *C.G.S. § 53-206g, Sale, possession, use or manufacture of bump stocks or other rates of fire enhancement prohibited. Class D felony or Class D misdemeanor*, makes technical changes.

Section 20 *Effective October 1, 2023*

This section amends *C.G.S. § 53a-217a, Criminally negligent storage of a firearm: Class D felony*, to provide that a person is not guilty of criminally negligent storage of a firearm if another person obtains a firearm as a result of breaking into another's premises and if reported as stolen.

Section 21 *Effective October 1, 2023*

This section amends *C.G.S. § 54-66a, Automatic termination of bail bonds*, makes technical changes.

Section 22 *Effective October 1, 2023*

This section amends subsection (8) of *C.G.S. § 54-280, Definitions. Registry of offenders convicted of offense committed with a deadly weapon. Suspension of registration. Registration information. Notification protocol. Confidentiality*, makes technical changes.

Section 23 *Effective from passage*

This section amends *C.G.S. § 53-202a, Assault weapons: Definitions*, and substantially expands the definition of an assault weapon.

Section 24 *Effective from passage*

This section amends *C.G.S. § 53-202c, Possession of assault weapon prohibited. Exemptions. Class D felony*, makes numerous technical changes pertaining to the possession of assault weapons and the exceptions to the statute for possession.

Section 25 *Effective from passage*

This section amends subsections (a) and (b) of *C.G.S. § 53-202d, Certificate of possession of assault weapon. Certificate of transfer of assault weapon to gun dealer. Circumstances where possession of assault weapon authorized*, regarding persons possessing 2023 assault weapons on the date immediately preceding the effective date of the passage for certificates of possession, persons in lawful possession of such who are required to obtain a certificate of possession and persons who are exempt.

Section 26 *Effective from passage*

This section amends subsection (b) of *C.G.S. § 29-36n, Protocol for the transfer, delivery or surrender of pistols, revolvers, other firearms and ammunition*, makes technical changes.

Section 27 *Effective October 1, 2023*

This section amends *C.G.S. § 53-202w, Large capacity magazines. Definitions. Sale, transfer or possession prohibited. Exceptions*, changes the penalties for persons convicted of possessing a large capacity magazine. Time periods are removed and the change is applicable to everyone. If a person is ineligible to possess a firearm under state or federal law, he/she is guilty of a class D felony. If, however, a person is eligible to possess a large capacity magazine they are guilty of a class A misdemeanor as provided in the statute.

Section 28 *Effective October 1, 2023*

This section amends subsections (a) and (b) of *C.G.S. § 29-37p, Long gun eligibility certificate. Disqualifiers*, provides the process for applications for long gun certificates depending upon when a person may have applied and failed to complete the required course. In addition, long gun certificates are prohibited from being issued to anyone convicted of a misdemeanor domestic violence offense.

Section 29 *Effective October 1, 2023*

This section amends subsection (b) of *C.G.S. § 29-28, Permit for sale at retail of pistol or revolver. Permit to carry pistol or revolver. Confidentiality of name and address of*

permit holder. Permits for out-of-state residents, provides the process for permit applications depending upon when a person may have applied and failed to complete the required course. In addition, permits are prohibited from being issued to anyone convicted of a misdemeanor domestic violence offense.

Section 30 *Effective October 1, 2023*

This section amends subsection (b) of *C.G.S. § 29-36f, Eligibility certificate for pistol or revolver*, provides the process for applications for eligibility certificates depending upon when a person may have applied and failed to complete the required course. In addition, eligibility certificates are prohibited from being issued to anyone convicted of a misdemeanor domestic violence offense.

Section 31 *Effective October 1, 2023*

This section amends *C.G.S. § 53a-217, Criminal possession of a firearm, ammunition or an electronic defense weapon: Class C felony*, and provides that a person is guilty of criminal possession of a firearm, ammunition or an electronic defense weapon if they have been convicted of a misdemeanor family violence crime pursuant to *C.G.S. § 46b-38h, Designation of conviction of certain crimes as involving family violence for purposes of criminal history record information*, on or after October 1 2023.

Section 32 *Effective October 1, 2023*

This section amends *C.G.S. § 53a-217c, Criminal possession of a pistol or revolver: Class C felony*, to provide a person is guilty of criminal possession of a pistol or revolver if convicted of a misdemeanor family violence crime on or after October 1, 2023.

Section 33 *Effective October 1, 2023*

This section amends subsection (a) of *C.G.S. § 29-37b, Retail dealer to equip pistols and revolvers with gun locking device and provide written warning at time of sale. Penalty*, and makes technical changes.

Section 34 *Effective July 1, 2023*

This section amends subsection (a) of *C.G.S. § 53-205, Loaded shotguns, rifles and muzzleloaders prohibited in vehicles and snowmobiles*, and prohibits a person from carrying loaded firearms or muzzleloaders under certain circumstances.

Section 35 *Effective October 1, 2023*

This section amends *C.G.S. § 53-341b, Sale or delivery of body armor restricted*, prohibits the sale or delivery of body armor unless a person possesses a permit or certificate issued under the law. It also expands the exceptions to this prohibition to include federal firearms licensee or employees of certain emergency medical services organizations.

Section 36 *Effective October 1, 2023*

This section amends *C.G.S. § 53a-3, Definitions*, defines a serious firearm offense as:

“ . . . a violation of *C.G.S. § 29-36, Alteration of firearm identification mark, serial number or name, C.G.S. § 29- 36a, Manufacture of a firearm. Acquisition of unique serial number or other mark of identification. Exceptions. Penalty*, as amended by this act, or *C.G.S. § 53-202w, Large capacity magazines. Definitions. Sale, transfer or possession prohibited. Exceptions*, as amended by this act, possession of a stolen firearm or a firearm that is altered in a manner that renders the firearm unlawful, or any crime of which an essential element is that the person discharged, used or was armed with and threatened the use of a firearm; . . . ”

It further defines a serious firearm offender as:

“ . . . a person who has (A) two convictions for a serious firearm offense, (B) a conviction for a serious firearm offense and was previously convicted of a violation of *C.G.S. § 29-36, Alteration of firearm identification mark, serial number or name, C.G.S. § 29- 36a, Manufacture of a firearm. Acquisition of unique serial number or other mark of identification. Exceptions. Penalty*, as amended by this act, subdivision (1) of subsection (a) of *C.G.S. § 53a-217, Criminal possession of a firearm, ammunition or an electronic defense weapon: Class C felony*, as amended by this act, or subdivision (1) of subsection (a) of *C.G.S. § 53a-217c, Criminal possession of a pistol or revolver: Class C felony*, as amended by this act, or (C) a conviction for a serious firearm offense and was previously convicted of two or more additional felony offenses” .

Section 37 *Effective October 1, 2023*

This section amends *C.G.S. § 53a-32, Violation of probation or conditional discharge. Notice to victim or victim advocate. Arrest. Pretrial release conditions and supervision. Hearing. Disposition*, and authorizes a probation officer who has probable cause to believe a probationer is a serious firearm offender who has violated probation conditions, or been arrested for a serious firearm offense, to apply to the court for an arrest warrant. The section provides the process for notifying law enforcement and puts a 60 day time limit within which the hearing must be scheduled after the person’s arraignment. The

section provides that there is a rebuttable presumption the serious firearm offender poses a danger to the safety of other persons when considering bail.

Section 38 Effective October 1, 2023

This section amends *C.G.S. § 54-64a, Release by judicial authority*, to permit the prosecutor to petition that the defendant post at least 30% of the bond with the court and provides a rebuttable presumption that the safety of others will be endangered without the granting of the petition.

In addition, the section articulates the conditions that the court can impose and the factors that may be considered by the court in determining such and state such on the record.

Section 39 Effective October 1, 2023

This section amends *C.G.S. § 54-64f, Violation of conditions of release. Imposition of different or additional conditions. Revocation of release*, provides the process for the automatic termination of any bond posted and surety release if a defendant's release is revoked and for the hearing at which the court can revoke the release, and the forfeiture of any bond if a person commits a serious firearm offense while on pretrial release.

Section 40 Effective October 1, 2023

This section amends *C.G.S. § 54-127, Rearrest*, provides the process for holding a parolee without a warrant if the parolee is a serious firearm offender and is arrested while on parole for a felony or a serious firearm offense.

Section 41 Effective from passage

This section is new and creates "firearm-related crime dockets in the Fairfield, Hartford, New Haven and Waterbury Geographical Areas by December 31, 2023.

Section 42 Effective October 1, 2023

This section is new and authorizes law enforcement and prosecutors who are aware of someone released on parole or probation "who poses a serious threat to public safety" to file an emergency petition with the probationer parole office the Chief State's Attorney. The petition must articulate the risk factors that exist as to why the person is a serious threat to public safety. Forty-eight hours after receipt an arrest warrant must be sought.

Section 43 *Effective October 1, 2023*

This section amends subsection (a) of *C.G.S. § 53a-222, Violation of conditions of release in the first degree: Class D or Class C felony*, and makes technical changes.

Section 44 *Effective October 1, 2023*

This section amends subsection (a) of *C.G.S. § 53a-222a, Violation of conditions of release in the second degree: Class A misdemeanor or Class D felony*, and makes technical changes.

Section 45 *Effective October 1, 2023*

This section amends *C.G.S. § 53-202g, Report of loss or theft of assault weapon or other firearm. Penalty*, and makes technical changes.

Section 46 *Effective October 1, 2023*

This section amends *C.G.S. § 29-28a, Application for permit. Notice of decision to applicant*, to require that a detailed written reason be given if a person is denied a temporary state permit.

Section 47 *Effective from passage*

This section is new pertaining to a response plan for a mass shooting event.

Section 48 *Effective October 1, 2023*

This section is new to require law enforcement to post publicly the process to obtain a permit to carry.

Section 49 *Effective from passage*

This section repeals *C.G.S. § 53-202m, Circumstances when assault weapons exempt from limitations on transfers and registration requirements*.

➤ **P.A. 23-73** **An Act Permitting Email Notices of The Expiration of Certain Firearm Permits and Certificates and Security Officer Licenses**

Section 1 *Effective July 1, 2023*

This amends subsection (f) of *C.G.S. § 29-30, Fees for pistol and revolver permits. Expiration and renewal of permits*, to allow notice of the expiration of a pistol or revolver

permit to be made via electronic mail, and to allow the holder of such permit to choose to receive such notice by first class mail or electronic mail.

Section 2 Effective July 1, 2023

This similarly amends subsection (e) of *C.G.S. § 29-36h, Fee for eligibility certificate. Expiration and renewal of eligibility certificate*, regarding notice of the expiration of an eligibility certificate for a pistol or revolver.

Section 3 Effective July 1, 2023

This similarly amends subsection (e) of *C.G.S. § 29-37r, Long gun eligibility certificate. Fees. Expiration and renewal*, regarding notice of the expiration of an eligibility certificate for a long gun.

Section 4 Effective July 1, 2023

This similarly amends subsection (c) of *C.G.S. § 29-161q, Qualifications of security officers. License. Instructor approval. Registration. Identification card. Prohibition. Applicant performance of security officer duties. Penalty*, regarding notice of the expiration of a license as a security officer.

➤ **P.A. 23-203 An Act Concerning Firearms and Street Takeovers**

Section 1 Effective October 1, 2023

This section amends subsection (a) of *C.G.S. § 29-35, Carrying of pistol or revolver without permit prohibited. Exceptions*, as amended by section 1 of *P.A. 23-53, An Act Addressing Gun Violence*. It expands the circumstance for a person to knowingly carry a firearm with intent to display such beyond a person's dwelling, or land owned or leased to include land "otherwise possessed" by a person. In addition, it expands such to another person's dwelling, land owned or leased or possessed, or business so long as the other person has granted the permission "explicitly".

Exempted are: (1) security guards; (2) others employed with the duty to protect public or private property while in the performance of their duties or traveling to or from such; (3) persons participating in an honor guard or historical reenactment; or, bail enforcement agents licensed under *C.G.S. § 29-152f, Application for license. Requirements*, to *C.G.S. § 29-152i, Suspension, revocation or nonrenewal of license*.

Section 2 *Effective October 1, 2023*

This section amends *C.G.S. § 53-202x, Declaration of possession of large capacity magazine. Regulations*, to require any person who lawfully possess a large capacity magazine prior to January 1, 2014 and who has not yet declared possession as of July 1, 2023 to apply to the Commissioner of Emergency Services and Public Protection to declare possession of such by January 1, 2024.

The amendment also provides that any truthful information contained in the application cannot be used against the person in any criminal prosecution for possession of such.

Section 3 *Effective October 1, 2023*

This section amends subsection (g) of *C.G.S. 53-202w, Large capacity magazines. Definitions. Sale, transfer or possession prohibited. Exceptions*, as amended by section 18 of *P.A. 23-53, An Act Addressing Gun Violence*, to permit the court to order suspension of prosecution in addition to a diversionary program.

Section 4 *Effective October 1, 2023*

This section amends subsections (c) to (h) of *C.G.S. § 14-224, Evasion of responsibility in operation of motor vehicles. Racing. Required removal of motor vehicle from traveled portion of highway. Impoundment or fine*, as amended by section 39 of *P.A. 23-135, An Act Implementing the Recommendations of The Department of Transportation and Concerning State Parkways, The Connecticut Airport Authority, A Transportation Carbon Dioxide Reduction Target, A Tree and Vegetation Management Plan, Motor Vehicle Noise, The Zero-Emission Truck Voucher Program, Street Racing, Emergency Lights and The Naming of Certain Roads and Bridges*, regarding street takeovers. It defines street takeover as the taking over a public highway or parking area by blocking or impeding traffic with the “intent” to cause disorder or create a nuisance instead of for the “purpose” causing or creating such. It removes the phrase “motor vehicle stunt” from the statute.

In addition, it adds language prohibiting a person from knowingly inciting or recruiting “by any action, method device or means, including but not limited to, electronic or social media, in advance of any such race, contest, demonstration or street takeover, “anyone to participate in the race, contest, demonstration or street takeover.

This section classifies the penalties in lieu of articulating the range of fines and incarceration periods that could be imposed for violations of the statute. The penalty for a subsequent violation of subdivision (3) of subsection (b) or subdivision (1) of subsection (c) of this statute is enhanced to a class D felony.

INTERROGATION TACTICS

➤ P.A. 23-27 **An Act Concerning Deceptive or Coercive Interrogation Tactics**

Section 1 (Effective October 1, 2023)

This is new legislation which prohibits law enforcement from using deceptive or coercive interrogation tactic during an interrogation. Law enforcement is specifically prohibited from depriving a person of physical or mental health needs, threatening the use of physical force, unlawful arrest of another, unlawful penalties, or sanctions.

Subsection (b) of the act specifically applies to juveniles under the age of 18 and prohibits law enforcement from communicating false facts about the evidence know to be false, false statements or misrepresentation of the law, false or misleading promises of leniency or benefit. The act also included certain presumptions including involuntary and inadmissible if law enforcement engaged in deceptive or coercive tactics. The standard for overcoming the presumptions is clear and convincing evidence.

➤ P.A. 23-200 **An Act Concerning the Enforcement of Violations of the Freedom of Information Act**

Section 1 Effective October 1, 2023

This section amends subsection (b) of *C.G.S. § 1-206, Denial of access to public records or meetings. Appeals. Notice. Orders. Civil penalty. Petition for relief from vexatious requester. Service of process upon commission. Frivolous appeals. Appeal re state hazardous waste program records*, to authorize the Freedom of Information Commission to impose a civil penalty of not less than \$20 nor more than \$5000 against a public agency if it finds a pattern of conduct which either obstructs the right to information or is reckless, willful or wanton misconduct by the agency in regard to a delay or denial of a request. It also permits the FOIC to apply to the Superior court for an order that the agency comply with such.

JUDICIAL

➤ P.A. 23-46 **An Act Concerning Judicial Branch Operations, The Sharing of Judicial Branch Records and The Award of Damages in Certain Civil Matters**

Section 5 (Effective July 1, 2023)

This amends subsection (b) of *C.G.S. § 46b-122, Juvenile matters separated from other court business when practicable. Exclusion of persons from hearing. Exceptions*, to

provide that any judge hearing a juvenile matter shall not exclude the victim's next of kin (defined as a spouse, adult child, a parent, an adult sibling, an aunt, an uncle, or a grandparent) unless, after hearing from the parties and the victim or a victim's next of kin, and for good cause shown, which shall be clearly and specifically stated on the record, the judge orders otherwise.

Section 6 (Effective July 1, 2023)

Similar to § 5, this amends subsection (b) of *C.G.S. § 54-76h, Proceedings private. Segregation of defendant in place of detention. Presence of victim at proceeding*, to provide that a victim's next of kin shall not be excluded, here from proceedings under *C.G.S. § 54-76b, Youthful offenders: Definitions; applicability of interstate compact*, to *C.G.S. § 54-76n, Application of criminal law*, inclusive.

Section 7 (Effective July 1, 2023)

This amends subsection (k) of *C.G.S. § 46b-124, Confidentiality of records of juvenile matters. Exceptions*, to limit the use of information concerning a child that is obtained during any risk and behavioral health screening to determining the child's eligibility for community diversion and nonjudicial handling. Such information shall be used for the purpose of identifying appropriate treatment and interventions and shall otherwise be confidential and retained in the files of the person performing such screening, but shall be disclosed to any attorney of record upon motion and order of the court. Such information and results shall otherwise not be subject to subpoena or other court process for use in any other proceeding or for any other purpose.

Section 8 (Effective October 1, 2023)

This amends *C.G.S. § 54-129a, Termination of special parole determination. Notification to victim. Statement of victim*, to require that, prior to the Board of Pardons and Paroles terminating a person's period of special parole pursuant to *C.G.S. § 54-129, Discharge of paroled prisoner*, the Victim Services Unit within the Department of Correction notify the victim of the crime for which the person is serving a period of special parole who is registered with that unit of the board's intent to consider such termination (as the Office of Victim Services within the Judicial Department must notify a victim registered with that office).

Section 9 (Effective July 1, 2023)

This amends subsection (a) of *C.G.S. § 53a-167c, Assault of public safety, emergency medical, public transit or health care personnel: Class C felony*, regarding assault of public safety, emergency medical, public transit, or health care personnel, to add to the

list of personnel employees of the Judicial Branch assigned to provide post-conviction secure detention and programming.

Section 17 (Effective July 1, 2023)

This amends subsection (a) of *C.G.S. § 46b-149a, Duties of police officer re child of family with service needs*, to replace reference to a child being a member of a “family with service needs” with a child who “has run away from his or her parent or guardian’s home” and specifies a youth service bureau as a permissible referral. (Several sections of the law remove statutory references to “family with service needs.”)

Section 22 (Effective July 1, 2023)

This amends subsection (d) of *C.G.S. § 46b-124, Confidentiality of records of juvenile matters. Exceptions*, as amended by section 5 of *P.A. 22-115, An Act Concerning Juvenile Justice and Services, Firearms Background Checks, And Larceny of a Motor Vehicle*, to add that a juvenile record is available to the Department of Children and Families not only if the child is committed pursuant to *C.G.S. § 46b-129 (existing law), Commitment of child or youth. Petition for neglected, uncared for or abused child or youth. Hearing re temporary custody, order to appear or petition. Review of permanency plan. Cost of care and maintenance of child or youth; reimbursement. Revocation of commitment. Legal guardianships and permanent legal guardianships. Applicability of provisions re placement of child from another state and Interstate Compact on the Placement of Children*, but also if the child is under the oversight of the department’s administrative unit pursuant to *C.G.S. § 17a-3b, Administrative unit for oversight of education of children residing in juvenile justice facilities and incarcerated children*, provided that such disclosure shall be limited to information that identifies the child as residing in a justice facility or incarcerated.

Section 23 (Effective July 1, 2023)

Similar to § 22, this amends subsection (b) of *C.G.S. § 54-76l, Records or other information of youth to be confidential. Exceptions*, such that limited information can be shared among service providers for purposes of providing services.

Section 26 (Effective January 1, 2024)

This amends section *C.G.S. § 51-344, Judicial districts established*, to change the name of the judicial district of Fairfield to the judicial district of Bridgeport.

Section 38 (Effective from passage)

MANDATORY MINIMUMS

➤ P.A. 23-47 **An Act Concerning Various Revisions to The Criminal Law and Criminal Justice Statutes**

Section 1 (Effective October 1, 2023)

Section 1 amends *C.G.S. § 53a-39, Reduction of sentence or discharge of defendant by sentencing court or judge. Statement by victim*. Current law pertaining to sentence modifications provides no prohibition to a person who was granted full or partial relief in response to a motion for sentence modification. This section, however, requires a person to wait 5 years before being able to apply again for a sentence modification if the court denied their previous motion or granted the person full relief.

If after a hearing the court granted the motion in part, a person would be required to wait 3 years before applying again for a sentence modification.

Section 2 (Effective October 1, 2023)

Section 2 amends subsection (a) of *C.G.S. § 17a-566, Certain convicted persons to be examined. Report and recommendation*, and removes the reference to the former “Somers” Correctional Institution.

Section 3 (Effective October 1, 2023)

Section 3 amends subsection (a) of *C.G.S. § 18-100h, Release of persons convicted of certain motor vehicle and drug offenses to their residences*, to expand the authority of the Commissioner of Correction to release a person to his/her residence with conditions, and possibly electronic monitoring. Current law, provides this authority for a person sentenced to incarceration pursuant to *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*, subsection (g) of *C.G.S. § 14-227a, Operation while under the influence of liquor or drug or while having an elevated blood alcohol content*, or subdivision (1) of subsection (c) of *C.G.S. § 14-227m, Operation of motor vehicle with a child passenger while under the influence of liquor or drug or while having an elevated blood alcohol content. Procedures. Penalties*. The amendment expands the authority of the Commission to anyone sentenced to incarceration pursuant to *C.G.S. § 14-227k, Avoidance of, tampering with or failure to install ignition interlock device*.

Section 4 (Effective October 1, 2023)

Section 4 amends *C.G.S. § 21a-279a, Limits for legal possession of cannabis. Penalty for illegal possession. Calculation of amount and equivalencies*, and expands the good Samaritan provisions to protect and provide an incentive for individuals to render aid to an individual experiencing a drug or alcohol overdose and who in good faith seeks medical assistance for themselves if evidence of cannabis possession is obtained because of seeking medical assistance. The section excludes anyone seeking medical assistance while a search or arrest warrant is executed.

Sections 5 & 6 (Effective October 1, 2023)

These amend subsection (i) of *C.G.S. § 14-36, Motor vehicle operator's license*, subsection (b) 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*, to eliminate the mandatory minimum sentence where mitigating circumstances have been determined by the court. Current law provides for the imposition of a 90-day mandatory minimum sentence if a person has committed 2 or more violations of this statute or subsection (a) 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*, or any combination of such, prior to the present violation.

Section 7 (Effective October 1, 2023)

This amends subsection (b) of *C.G.S. § 51-164n, Procedure upon summons for infraction or certain violations. Payment by mail. Procedure at trial*, by removing *C.G.S. § 7-148f, Penalty for violations*.

Section 8 (Effective October 1, 2023)

This amends subsection (f) of *C.G.S. § 29-6d, Use of body-worn recording equipment and dashboard cameras. When recording prohibited. Retention of data*, authorizing the delay of body cam recording to the public if the officer is reasonably unable to review the recording due to the officer's "medical or physical response or an acute psychological stress response to the incident." Any delay, however, cannot occur more than 144 hours following the recorded incident.

Section 9 (Effective October 1, 2023)

This amends subdivision (3) of *C.G.S. § 53a-65, Definitions*, to expand the definition of sexual contact to include contact with the intimate parts of the body of a deceased person

or any contact by a person of their intimate parts with the body of a deceased person, for the purpose of sexual gratification.

Section 10 (Effective October 1, 2023)

This amends *C.G.S. § 53a-73a, Sexual assault in the fourth degree: Class A misdemeanor or class D felony*, to provide that a person is guilty of sexual assault in the fourth degree if a person engages in sexual contact with the body of a deceased person.

Section 11 (Effective October 1, 2023)

This amends *C.G.S. § 54-130a, Jurisdiction and authority of board to grant commutations of punishment, releases, pardons and certificates of rehabilitation*, to provide, upon written request of the state's attorney, certain materials and documents filed with the Board of Pardon and Parole in a commutation proceeding. Materials and documentation which are confidential, privileged, or non-disclosable under state or federal law would not be included. The amendment also permits the state's attorney to appear at the commutation session to make a statement as to whether the commutation should be granted.

MANDATED REPORTER

➤ **P.A. 23-168** **An Act Concerning Mandated Reporters**

Section 1 Effective July 1, 2023

Section 1 amends subsection (a) of *C.G.S. § 17b-451, Report of suspected abuse, neglect, exploitation or abandonment or need for protective services. Penalty for failure to report. Immunity and protection from retaliation. Training program*, to add to the list of mandatory reporters the following:

“(12) licensed professional counselor, (13) adult probation officer, (14) adult parole officer, (15) physician assistant, (16) dental hygienist, and (17) resident services coordinator, clinical care coordinator and manager employed by a housing authority or municipal developer operating an elderly housing project.”

MOTOR VEHICLE

➤ **P.A. 23-51** **An Act Concerning Wrong-Way Driving Detection and Prevention**

Section 1 *Effective October 1, 2023*

This new law defines “wrong-way driving detection and notification system” and requires the Department of Transportation to expand efforts to implement wrong-way driving countermeasures (including but not limited to such system and a public awareness campaign) throughout the state.

Section 2 *Effective October 1, 2023*

This amends *C.G.S. § 14-36f, Regulations concerning driver education programs*, to add to the motor vehicle regulations regarding driver education programs in secondary schools’ discussion of ways to reduce wrong-way driving incidents and avoid wrong-way drivers.

Section 3 *Effective October 1, 2023*

Similar to § 2, this amends *C.G.S. § 14-78, Regulations for conduct of drivers' schools and instructor license requirements. Limited license*, to require driving schools to instruct and test on such subjects.

Section 4 *Effective from passage*

This new law defines “wrong-way driving detection, notification and broadcasting system” and requires the Department of Transportation to establish a pilot program to test the use of such systems. It requires that the Department of Transportation report, not later than January 1, 2025, results and recommendations.

Section 5 *Effective from passage*

This new law requires the Department of Transportation to provide a grant from available resources for implementing wrong-way driving countermeasures to the University of Connecticut for the purposes of testing and analyzing the use of directional rumble strips as a means of alerting drivers driving in the wrong direction. It requires that the Department of Transportation report, not later than January 1, 2025, results and recommendations.

➤ **P.A. 23-83** **An Act Concerning Damages to Person or Property Caused by The Negligent Operation of a Motor Vehicle Owned by A Political Subdivision of The State**

Section 1 *Effective from passage*

This amends *C.G.S. § 52-557n, Liability of political subdivision and its employees, officers and agents. Liability of members of local boards and commissions*, to provide

that governmental immunity is not a defense in any civil action regarding “damages to person or property caused by the negligent operation of a motor vehicle owned by a political subdivision of this state.”

➤ **P.A. 23-95** **An Act Requiring Police Officers to Inform Drivers of The Purpose of a Traffic Stop**

Section 1 Effective upon passage

This new law requires that a police officer conducting a stop of a motor vehicle must, prior to the completion of the stop, verbally inform the vehicle operator of the purpose for the stop.

➤ **P.A. 23-135** **An Act Implementing the Recommendations of The Department of Transportation and Concerning State Parkways, The Connecticut Airport Authority, A Transportation Carbon Dioxide Reduction Target, A Tree and Vegetation Management Plan, Motor Vehicle Noise, The Zero-Emission Truck Voucher Program, Street Racing, Emergency Lights and The Naming of Certain Roads and Bridges**

Section 39 Effective October 1, 2023

This amends subsections (c) to (h), inclusive, 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 extend the street racing / street takeover prohibition to parking areas. It broadens the list of prohibited conduct relative to such events and increases associated penalties.

ONLINE PRIVACY

➤ **P.A. 23-56** **An Act Concerning Online Privacy, Data and Safety Protections**

Section 1 Effective July 1, 2023

This act amends subsection (27), now renumbered as subsection (38), of *C.G.S. § 42-515, Definitions* to include in the definition of “sensitive data” as data regarding a person’s status as a crime victim.

Section 2 Effective July 1, 2023

This is new regarding the provision of consumer health data.

Section 3 Effective July 1, 2023

This section amends subsection (a) and (c) of *C.G.S. § 42-517, Exclusions*, and provides exclusions to this statute.

Section 4 Effective July 1, 2023

This section makes technical amendments to subsection (a) of *C.G.S. § 42-520, Controllers' duties. Sale of personal data to third parties. Notice and disclosure to consumers. Consumer opt-out.*

Section 5 Effective July 1, 2023

This section makes technical amendments to *C.G.S. § 42-524, Construction of controllers' and processors' duties.*

Section 6 Effective July 1, 2023

This section makes technical amendments to *C.G.S. § 42-525, Enforcement by Attorney General. Notice of violation. Cure period. Report. Penalty.*

Section 17 Effective July 1, 2023

This section amends *C.G.S. § 29-7b, Division of Scientific Services*, to create within the Division of Scientific Services of the Department of Emergency Services and Public Protection the Connecticut Internet Crimes Against Children Task Force. The task force is comprised of law enforcement agencies and authorized to use state and federal money “consistent with the duties prescribed in 34 USC 21114”, entitled the “Duties and functions of task forces”.

POLICE

➤ **P.A. 23-59** **An Act Concerning Certification or Accreditation Requirement Deadlines for a Law Enforcement Unit That Serves a Municipality and Consists Solely of Constables or Resident State Troopers**

Section 1 Effective from passage

This extends by one year each the deadlines by which a law enforcement unit serving a municipality and consisting solely of constables or resident state troopers must be certified for each of the state-accreditation tiers.

➤ **P.A. 23-86** **An Act Expanding Membership of The Police Officer Standards and Training Council**

Section 1 Effective January 1, 2024

This amends *C.G.S. § 7-294b, Members of council. Holding of other office*, to add two more members to the Police Officer Standards and Training (POST) Council within the Department of Emergency Services and Public Protection (DESPP).

➤ **P.A. 23-87** **An Act Requiring the Police Officer Standards and Training Council to Develop and Promulgate a Model Policy Requiring the Use of a Seat Safety Belt for Any Person Who Is Being Transported in a Municipal Police Vehicle**

Section 1 Effective July 1, 2023

This new law requires the Police Officer Standards and Training (POST) Council to develop and promulgate, not later than December 31, 2023, a model policy that provides guidelines on (1) the required use of a seat safety belt by any person being transported in a municipal police vehicle, and (2) standard procedures for a municipal police officer to ensure that. It requires that each municipal law enforcement unit adopt and maintain, not later than April 1, 2024, a written policy that meets or exceeds the model policy standards. It further requires that the chief law enforcement officer of a municipal law enforcement unit report to the POST Council, on and after April 1, 2024, any violations which undermine public confidence in the municipal law enforcement unit. It provides for the Council's review of the matter and imposition of sanctions against the violating officer upon a finding by clear and convincing evidence that a violation has occurred.

➤ **P.A. 23-95** **An Act Requiring Police Officers to Inform Drivers of The Purpose of a Traffic Stop**

Section 1 Effective upon passage

This new law requires that a police officer conducting a stop of a motor vehicle must, prior to the completion of the stop, verbally inform the vehicle operator of the purpose for the stop.

➤ **P.A. 23-104** **An Act Concerning Crisis Intervention Training for Police Officers and Collaboration Between Police Officers and Social Workers**

Section 1 Effective July 1, 2023

This amends *C.G.S. § 7-294v, State and local police training programs to provide training on interactions with persons who have mental or physical disabilities and*

persons who are deaf, hard of hearing or deafblind, to require that, on and after October 1, 2023, the Police Officer Standards and Training (POST) Council training curricula for police officers regarding interactions with persons who have mental or physical disabilities and persons who are deaf, hard of hearing, or deafblind include crisis intervention strategies for police officers to use when interacting with individuals with mental illness in crisis.

Section 2 Effective July 1, 2023

This is new legislation which requires the Police Officer Standards and Training (POST) Council to (1) examine (A) programs and strategies used in the state or other jurisdictions through which police officers collaborate with social workers, and (B) the evaluation submitted pursuant to section 18 of *P.A. 20-1, An Act Authorizing And Adjusting Bonds Of The State For Capital Improvements, Transportation And Other Purposes, And Concerning Municipal Reports On Certain Property Tax Exemptions, Validation Of A Referendum And Highway Projects*, of the July special session; and 2) issue guidance to law enforcement units that includes recommendations of how police officers may collaborate with social workers.

➤ **P.A. 23-192** **An Act Concerning the Provision of Emergency Medical Services to An Individual Who Is in Direct Contact with or In the Custody or Control of a Peace Officer**

Section 1 Effective October 1, 2023

This new law confers the right to emergency medical services to any person who experiences an emergency medical condition or is medically unstable while in direct audio or visual contact with, or under the custody or control of, a peace officer. It defines relevant terms. It requires the peace officer to request emergency medical services under certain circumstances, and notes circumstances under which a peace officer shall not be required to make such a request.

PROSECUTORS

➤ **P.A. 23-26** **An Act Concerning Prosecutorial Accountability**

Section 1 (Effective October 1, 2023)

The act amends *C.G.S. § 51-286j, Collection of disaggregated, case level prosecutorial data*, and authorizes the Criminal Justice Commission to require each of the state's attorneys to appear before it on an annual basis to testify on the data that has been collected pursuant to the act.

➤ **P.A. 23-55** **An Act Concerning the Recruitment of Law School Students for Apprentice Prosecutor Positions**

Section 1 *(Effective from passage)*

This amends subdivision (1) of subsection (b) of *C.G.S. § 51-278, Appointment, salaries and removal of prosecutorial officials*, to allow the Criminal Justice Commission to, within available appropriations, interview and appoint to the position of apprentice prosecutor any law student who is within five months of graduation and who is a certified legal intern. Persons so appointed shall advance to the position of deputy assistant state’s attorney upon admission to the Connecticut bar within one year of such person’s graduation from law school.

RACIAL PROFILING

➤ **P.A. 23-9** **An Act Concerning Racial Profiling**

Section 1 *Effective from passage*

This updates the definition of “racial profiling” in *C.G.S. § 54-11, Short title: Alvin W. Penn Racial Profiling Prohibition Act*, to clarify that it refers to any disparate treatment (including interdiction) of an individual by a police officer based on perceived racial or ethnic status, except when such factors are used in combination with other information to apprehend a suspect whose reported description includes racial or ethnic status.

Section 2 *Effective from passage*

This incorporates the updated definition of “racial profiling” into *C.G.S. § 54-1m, Adoption of policy prohibiting certain police actions. Traffic Stop information. Standardized method. Data collection and reporting*, which requires law enforcement agencies with traffic stop authority to adopt a written policy that prohibits racial profiling.

RISK PROTECTION ORDER

➤ **P.A. 23-89** **An Act Concerning Risk Protection Orders or Warrants and Disqualifiers for Firearm Permits and Eligibility Certificates Based on Temporary Commitment Under a Physician's Emergency Certification**

Section 1 *Effective from passage*

This section amends *C.G.S. § 29-38c, Person posing risk of imminent personal injury to self or others. Firearms or other deadly weapons or ammunition. Warrant for seizure.*

Risk protection order prohibiting acquisition or possession, as it applies to adults. It permits one officer, instead of the current requirement for two, to apply for a Risk Protection Order from the court. The court has the discretion to issue such an order prohibiting a person from acquiring or possessing a firearm or other deadly weapon or ammunition if probable cause exists to believe that someone is at imminent risk of injuring themselves or another. This process is applicable for anyone even if already ineligible from possessing such, including a person convicted of a felony.

If probable cause, based upon an independent investigation, exists that a person possesses such, a risk warrant may be issued by the court authorizing seizure of firearms, ammunition and other deadly weapons. The section provides the process for filing such with the court and others.

Current law already provides a right to counsel at the risk protection hearing, which must be held no later than 14 days, although this section does not authorize the appointment of a public defender for a person who is indigent.

Section 2 Effective from passage

This new legislation is applicable to juveniles under the age of 18 years, regardless of whether they are emancipated. It permits a process, within the juvenile court, for 2 police officers, a prosecutor, family or household members or medical professionals to seek an investigation and apply for a risk warrant regarding any juvenile who possesses firearms, ammunition and/or other deadly weapons. Unlike the adult process, there is no requirement that the juvenile is an imminent threat to themselves or others.

After the issuance of a risk protection order, the court is required to order a risk warrant investigation to determine if the child poses a risk of imminent injury to another and possesses any firearms or deadly weapons. If probable cause exists for such, law enforcement may seek a risk warrant. The act details the criteria to be considered by the court in determining whether probable cause exists for a risk warrant to issue such as:

“(1) Recent threats or acts of violence by such child directed toward other persons; and (2) recent acts of cruelty to animals as provided in subsection (b) of section 53-247 of the general statutes, by such child. In evaluating whether such recent threats or acts of violence constitute probable cause to believe that such child poses a risk of imminent personal injury to others, the judge may consider other factors, including, but not limited to, (A) the reckless use, display or brandishing of a firearm or other deadly weapon by such child, (B) a history of the use, attempted use or threatened use of physical force by such child against other persons, (C) prior involuntary confinement of such child in a hospital for persons with psychiatric disabilities, and (D) the illegal use of controlled substances or abuse of alcohol by such child.”

If a risk warrant is issued, a hearing is scheduled and the child has a right to counsel and if indigent, provided representation by the public defender office.

Section 3 Effective June 1, 2023

This section amends *C.G.S. § 46b-15e, Chief Court Administrator's responsibilities re applications for restraining orders and educational materials re the risk protection order and warrant processes and collection of data relating to restraining orders and civil protection orders*, which already requires the Chief Court Administrator to provide materials to the public regarding the process for risk protection orders and warrants. The section amends this to include language pertaining to the process for juveniles in the juvenile court.

Section 4 Effective October 1, 2023

This section amends subsection (b) of *C.G.S. § 29-28, Permit for sale at retail of pistol or revolver. Permit to carry pistol or revolver. Confidentiality of name and address of permit holder. Permits for out-of-state residents*. This section lists those persons currently prohibited from being issued a state or temporary state permit to carry a revolver or a pistol. Per the act, anyone committed to a hospital for persons with psychiatric disabilities within the last 6 months pursuant to an emergency certificate per *C.G.S. § 17a-502, Commitment under emergency certificate. Examination of patient. Explanation of rights. Hearing. Private hospitals' notification to commissioner. Immediate discharge of patient. Notification of next of kin. Prohibited commitments to chronic disease hospitals*, on or after October 1, 2023 cannot be issued a state or temporary permit to carry such.

Section 5 Effective October 1, 2023

This section amends subsection (b) of *C.G.S. § 29-36f, Eligibility certificate for pistol or revolver*. This section lists those persons currently prohibited from being issued an eligibility certificate. Per the act, anyone committed to a hospital for persons with psychiatric disabilities within the last 6 months pursuant to an emergency certificate per *C.G.S. § 17a-502, Commitment under emergency certificate. Examination of patient. Explanation of rights. Hearing. Private hospitals' notification to commissioner. Immediate discharge of patient. Notification of next of kin. Prohibited commitments to chronic disease hospitals*, on or after October 1, 2023 cannot be issued an eligibility certificate.

Section 6 Effective October 1, 2023

This section amends subsection (b) of *C.G.S. § 29-37p, Long gun eligibility certificate. Disqualifiers*. This section lists those persons currently prohibited from being issued a

long gun eligibility certificate. Per the act, anyone committed to a hospital for persons with psychiatric disabilities within the last 6 months pursuant to an emergency certificate per *C.G.S. § 17a-502, Commitment under emergency certificate. Examination of patient. Explanation of rights. Hearing. Private hospitals' notification to commissioner. Immediate discharge of patient. Notification of next of kin. Prohibited commitments to chronic disease hospitals*, on or after October 1, 2023 cannot be issued a long gun eligibility certificate.

Section 7 Effective October 1, 2023

This section amends *C.G.S. § 29-38b, Determination of commitment or admission status of person who applies for or seeks renewal of firearm permit or certificate. Report on status of application*. This section requires the Commissioner of Emergency Services and public Protection to verify whether anyone seeking an application or renewal sought to sell pistols or revolvers at retail or to carry such, obtain eligibility certificates for pistols or revolvers or long guns or to possess an assault weapon or long gun certificate is made by a person who was committed to a hospital for persons with psychiatric disabilities within the last 6 months pursuant to an emergency certificate per *C.G.S. § 17a-502, Commitment under emergency certificate. Examination of patient. Explanation of rights. Hearing. Private hospitals' notification to commissioner. Immediate discharge of patient. Notification of next of kin. Prohibited commitments to chronic disease hospitals*. If so, the Commissioner must report the status to the Commissioner of Mental Health and Addiction Services.

Section 8 Effective October 1, 2023

This section amends *C.G.S. § 53a-217, Criminal possession of a firearm, ammunition or an electronic defense weapon: Class C felony*, and expands the list of persons guilty of criminal possession of firearm, ammunition or electronic defense weapons when a person possesses such and has been committed to a hospital for persons with psychiatric disabilities within the last 6 months pursuant to an emergency certificate per *C.G.S. § 17a-502, Commitment under emergency certificate. Examination of patient. Explanation of rights. Hearing. Private hospitals' notification to commissioner. Immediate discharge of patient. Notification of next of kin. Prohibited commitments to chronic disease hospitals*, on or after October 1, 2023.

Section 9 Effective October 1, 2023

This section amends *C.G.S. § 53a-217c, Criminal possession of a pistol or revolver: Class C felony*, and expands the list of persons guilty of criminal possession of a pistol or revolver and has been committed to a hospital for persons with psychiatric disabilities within the last 6 months pursuant to an emergency certificate per *C.G.S. § 17a-502, Commitment under emergency certificate. Examination of patient. Explanation of rights*.

Hearing. Private hospitals' notification to commissioner. Immediate discharge of patient. Notification of next of kin. Prohibited commitments to chronic disease hospitals, on or after October 1, 2023.

Section 10 *Effective October 1, 2023*

This section amends subsection (b) of C.G.S. § 17a-500, *Maintenance and confidentiality of records of cases of persons with psychiatric disabilities. Exchange of information concerning commitment or admission status of firearm permit or certificate applicants and holders*, to require the Commissioner of Mental Health and Addiction Services to maintain information and provide to the Commissioner of Emergency Services and Public Protection identifying information on commitments or voluntary admission status of persons to in accordance with this act.

Section 11 *Effective October 1, 2023*

This section amends C.G.S. § 17a-506a, *Voluntary admissions. Notification of commissioner. Maintenance of identifying information*, to require a hospital for persons with psychiatric disabilities to notify the Commissioner of Mental Health and Addiction Services of any admission or commitment and provide identifiable information for anyone admitted or committed within the last 6 months pursuant to an emergency certificate per C.G.S. § 17a-502, *Commitment under emergency certificate. Examination of patient. Explanation of rights. Hearing. Private hospitals' notification to commissioner. Immediate discharge of patient. Notification of next of kin. Prohibited commitments to chronic disease hospitals, on or after October 1, 2023.*

SENTENCE MODIFICATION

➤ P.A. 23-47 **An Act Concerning Various Revisions to The Criminal Law and Criminal Justice Statutes**

Section 1 *(Effective October 1, 2023)*

Section 1 amends C.G.S. § 53a-39, *Reduction of sentence or discharge of defendant by sentencing court or judge. Statement by victim*. Current law pertaining to sentence modifications provides no prohibition to a person who was granted full or partial relief in response to a motion for sentence modification. This section, however, requires a person to wait 5 years before being able to apply again for a sentence modification if the court denied their previous motion or granted the person full relief.

If after a hearing the court granted the motion in part, a person would be required to wait 3 years before applying again for a sentence modification.

Section 2 (Effective October 1, 2023)

Section 2 amends subsection (a) of C.G.S. § 17a-566, *Certain convicted persons to be examined. Report and recommendation*, and removes the reference to the former “Somers” Correctional Institution.

Section 3 (Effective October 1, 2023)

Section 3 amends subsection (a) of C.G.S. § 18-100h, *Release of persons convicted of certain motor vehicle and drug offenses to their residences*, to expand the authority of the Commissioner of Correction to release a person to his/her residence with conditions, and possibly electronic monitoring. Current law, provides this authority for a person sentenced to incarceration pursuant to 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*, subsection (g) of C.G.S. § 14-227a, *Operation while under the influence of liquor or drug or while having an elevated blood alcohol content*, or subdivision (1) of subsection (c) of C.G.S. § 14-227m, *Operation of motor vehicle with a child passenger while under the influence of liquor or drug or while having an elevated blood alcohol content. Procedures. Penalties*. The amendment expands the authority of the Commission to anyone sentenced to incarceration pursuant to C.G.S. § 14-227k, *Avoidance of, tampering with or failure to install ignition interlock device*.

Section 4 (Effective October 1, 2023)

Section 4 amends C.G.S. § 21a-279a, *Limits for legal possession of cannabis. Penalty for illegal possession. Calculation of amount and equivalencies*, and expands the good Samaritan provisions to protect and provide an incentive for individuals to render aid to an individual experiencing a drug or alcohol overdose and who in good faith seeks medical assistance for themselves if evidence of cannabis possession is obtained because of seeking medical assistance. The section excludes anyone seeking medical assistance while a search or arrest warrant is executed.

Sections 5 & 6 (Effective October 1, 2023)

These amend subsection (i) of C.G.S. § 14-36, *Motor vehicle operator's license*, subsection (b) 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*, to eliminate the mandatory minimum sentence where mitigating circumstances have been determined by the court. Current law provides for the imposition of a 90-day mandatory minimum sentence if a person has committed 2 or more violations of this statute or subsection (a) 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, or any combination of such, prior to the present violation.

Section 7 (Effective October 1, 2023)

This amends subsection (b) of *C.G.S. § 51-164n, Procedure upon summons for infraction or certain violations. Payment by mail. Procedure at trial*, by removing *C.G.S. § 7-148f, Penalty for violations*.

Section 8 (Effective October 1, 2023)

This amends subsection (f) of *C.G.S. § 29-6d, Use of body-worn recording equipment and dashboard cameras. When recording prohibited. Retention of data*, authorizing the delay of body cam recording to the public if the officer is reasonably unable to review the recording due to the officer's "medical or physical response or an acute psychological stress response to the incident." Any delay, however, cannot occur more than 144 hours following the recorded incident.

Section 9 (Effective October 1, 2023)

This amends subdivision (3) of *C.G.S. § 53a-65, Definitions*, to expand the definition of sexual contact to include contact with the intimate parts of the body of a deceased person or any contact by a person of their intimate parts with the body of a deceased person, for the purpose of sexual gratification.

Section 10 (Effective October 1, 2023)

This amends *C.G.S. § 53a-73a, Sexual assault in the fourth degree: Class A misdemeanor or class D felony*, to provide that a person is guilty of sexual assault in the fourth degree if a person engages in sexual contact with the body of a deceased person.

Section 11 (Effective October 1, 2023)

This amends *C.G.S. § 54-130a, Jurisdiction and authority of board to grant commutations of punishment, releases, pardons and certificates of rehabilitation*, to provide, upon written request of the state's attorney, certain materials and documents filed with the Board of Pardon and Parole in a commutation proceeding. Materials and documentation which are confidential, privileged, or non-disclosable under state or federal law would not be included. The amendment also permits the state's attorney to appear at the commutation session to make a statement as to whether the commutation should be granted.

SEX OFFENSES

➤ P.A. 23-193 **An Act Concerning Verification of the Residential Address of a Registered Sex Offender**

Section 1 Effective October 1, 2023

The amendment makes a technical change to clarify that the “residential” address is the address to be reported and verified for the registry. Law enforcement is required to verify the residence address for registrants who reside where there is no residential mail delivery.

VICTIMS

➤ P.A. 23-136 **An Act Concerning a Study of The Consolidation of The Family Violence Model Policy Governing Council and The Domestic Violence Offender Program Standards Advisory Council**

Section 1 Effective July 1, 2023

This amends *C.G.S. § 46b-38j, Family Violence Model Policy Governing Council. Membership. Duties. Annual report*, to establish and describe the Domestic Violence Criminal Justice Response and Enhancement Council, the consolidated entity replacing the Family Violence Model Policy Governing Council and the Domestic Violence Offender Program Standards Advisory Council. The membership includes the Chief Public Defender or the Chief Public Defender’s designee. The council’s annual report shall include any recommendations for statutory or policy changes within the purview of the council.

Section 2 Effective July 1, 2023

This amends *C.G.S. § 46b-38m, Accessibility of domestic violence offender program standards on Judicial Branch's Internet web site*, to require the Chief Court Administrator to ensure that the “domestic violence offender program” standards provided by the council are posted on the Judicial Branch website.

Section 3 Effective July 1, 2023

This amends subdivision (2) of subsection (g) 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 immigration status is questionable. Exceptions*, to state that the council is the body responsible for amending the state’s model law enforcement policy on family violence.

Section 4 *Effective October 1, 2023*

This amends section 2 of *P.A. 23-106, An Act Strengthening the Protections Against and Response to Domestic Violence*, to provide that any order of temporary or permanent alimony entered by a court from an injured spouse to a spouse subsequently convicted of any of the enumerated offenses shall be terminated by the court upon the injured spouse's motion to terminate alimony based upon the conviction filed by the injured spouse.

Section 5 *Effective July 1, 2023*

This repeals *C.G.S. § 46b-38l, Domestic Violence Offender Program Standards Advisory Council*.

TRAFFICKING

➤ **P.A. 23-20** **An Act Implementing Additional Measures to Prevent Trafficking in Persons and Expanding the Composition of The Trafficking in Persons Council**

Section 1 *(Effective October 1, 2023)*

This is new legislation that prohibits an operator of a hotel, motel, or other lodging facility to offer or provide a benefit or discount for a room based upon an hourly rate or a term of 12 hours or less.

Section 2 *(Effective July 1, 2023)*

This amends subsection (b) of *C.G.S. § 46a-170, Trafficking in Persons Council. Membership. Duties. Reports*, to expand the membership of the Trafficking in Persons Council to include the Commissioner of Developmental Services or his/her designee.

2023 Subject Index

<u>Subject</u>	<u>Act Number</u>
ANIMALS	23-17; 23-77; 23-149;
ARTIFICIAL INTELLIGENCE	23-16
BODY CAMERAS	23-47
CANNABIS	23-79
CHILDREN/JUVENILE/YOUTH	23-7; 23-25; 23-44; 23-46; 23-123; 23-176; 23-188
CLEAN SLATE	23-134
COMMUTATION	23-47
CORRECTION, DEPARTMENT OF	23-12
CRIMINAL JUSTICE INFORMATION SYSTEM (CJIS)	23-36
DIVERSIONARY PROGRAMS	23-53
DMV	23-40
DOMESTIC VIOLENCE	23-106
EXECUTIONS	23-23
GAMING	23-54
FALSE CLAIM	23-129
FAMILY VIOLENCE	23-136
FIREARMS	23-53; 23-69; 23-73; 23-203
INTERROGATION TACTICS	23-27; 23-200
JUDICIAL	23-46

<u>Subject</u>	<u>Act Number</u>
MANDATORY MINIMUMS	23-47
MANDATED REPORTER	23-168
MOTOR VEHICLE	23-51; 23-83; 23-95; 23-135
ONLINE PRIVACY	23-56
POLICE	23-59; 23-86; 23-87; 23-95; 23-104; 23-192
PROSECUTORS	23-26; 23-55
RACIAL PROFILING	23-9
RISK PROTECTION ORDER	23-89
SENTENCE MODIFICATION	23-47
SEX OFFENSES	23-193
VICTIMS	23-136
TRAFFICKING	23-20