

OFFICE OF LEGISLATIVE RESEARCH  
PUBLIC ACT SUMMARY



PA 24-137—sHB 5500

*Judiciary Committee*

**AN ACT CONCERNING REVISIONS TO VARIOUS LAWS CONCERNING IGNITION INTERLOCK DEVICES, THE DEPARTMENT OF CORRECTION, JUDICIAL RETIREMENT SALARIES AND CRIMINAL LAW AND CRIMINAL PROCEDURE**

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*Extends the law on standing criminal protective orders to defendants found not guilty due to mental disease or defect*

**SUMMARY:** This act makes various unrelated changes in court- and criminal law-related matters as described in the section-by-section analysis below.

**EFFECTIVE DATE:** October 1, 2024, except as otherwise noted below.

## § 1 — APPOINTED COUNSEL IN PROCEEDINGS INVOLVING FIREARM RISK PROTECTION ORDERS OR RISK WARRANTS

*Requires an attorney to be appointed for certain adults for in-court proceedings for firearm risk protection orders or risk warrants*

Existing law allows the police or a prosecutor, under limited circumstances, to apply to court for a risk protection order prohibiting an adult at imminent risk of injuring themselves or someone else from obtaining or possessing firearms, other deadly weapons, or ammunition. The court may also issue a risk warrant for the police to seize these items if the person has them (CGS § 29-38c(a)).

The act requires an attorney to be appointed for the person for purposes of in-court proceedings relating to these orders or warrants (see *Background — Risk Protection Order or Warrant Hearings*) if the person (1) cannot afford an attorney, (2) is represented by a public defender or assigned counsel in a pending in-state criminal case, and (3) is eligible for counsel under the public defender laws.

In doing so, the act makes similar changes as 2023 legislation did for the separate risk warrant process for minors. PA 23-89 required counsel to be appointed on the child's behalf for juvenile court proceedings if the child and his or her parent or guardian (1) cannot afford counsel and (2) are eligible for counsel under the public defender laws.

### *Background — Risk Protection Order or Warrant Hearings*

Within 14 days after a risk protection order or warrant has been issued, the court serving the town where the subject lives must hold a hearing to determine if the order should continue to apply or if the items seized through the warrant should continue to be held by the state. As long as the order or warrant remain in effect, the subject also can request a hearing every 180 days after the initial one (CGS § 29-38c(e) & (f)).

## § 2 — END OF IGNITION INTERLOCK DEVICE REQUIREMENTS

*Sets conditions under which IID requirements end earlier than usual following (1) specific outcomes after DUI arrests where cannabis was the only detected intoxicating substance, such as the withdrawal or dismissal of the charges, and (2) pardons for DUI convictions involving alcohol*

By law, motorists implicitly consent to be tested for alcohol or drugs and submit to the nontestimonial portion of a drug influence evaluation. In connection with an

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arrest for driving under the influence (DUI), the law establishes administrative license suspension procedures for when a (1) driver refuses to submit to a test or evaluation or whose test results indicate an elevated blood alcohol content, or (2) police officer, through an investigation, concludes that the driver was driving under the influence of alcohol, a drug, or both. Generally, if a driver's license is suspended under this law, the driver must then (1) install and maintain an ignition interlock device (IID) on each vehicle he or she owns or operates and (2) operate only IID-equipped vehicles for a specified period.

The act sets conditions under which these IID requirements end earlier than otherwise required by law. First, if the person was arrested for DUI and cannabis was the only detected intoxicating substance, the requirements end when the (1) person is acquitted or all charges are withdrawn, nolle, or dismissed, or (2) person's conviction is vacated, overturned, or erased. Second, if the person was convicted for DUI and alcohol was one of the intoxicating substances, the requirements end if the person received an absolute pardon. In either case, the motor vehicles commissioner must notify the person in writing when the IID requirements have ended.

The act specifies that these provisions do not affect any other requirements or conditions that apply to the person.

### § 3 — LOCATION OF CRIMES COMMITTED THROUGH ELECTRONIC COMMUNICATION

*Specifies that offenses committed by communications through computer networks, cell phones, or similar means can be considered to have been committed either where the communication was sent or received*

The act specifies that any offense committed through communication using various forms of technology may be considered to have been committed either at the place where the communication originated or was received.

Specifically, the act applies to communications sent through an interactive computer service, computer network, telecommunications service, cellular system, electronic communication service, or electronic communication system (as defined under specified laws), including email or text messages or any other electronic messages, whether by digital media accounts, messaging programs, or applications. EFFECTIVE DATE: Upon passage and applicable to offenses committed before, on, or after that date.

### § 4 — COMPENSATION OF INCARCERATED INDIVIDUALS

*Explicitly allows DOC, when setting pay rates for incarcerated individuals performing services on the state's behalf, to give higher rates than the minimum based on skill or other factors, and eliminates the \$10 weekly limit on this pay*

By law, the Department of Correction (DOC) commissioner, after consulting with the administrative services commissioner and the Office of Policy and Management secretary, must set the compensation schedule for incarcerated

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individuals for services they perform on the state's behalf at DOC facilities. The schedule must recognize degrees of merit, diligence, and skill, to encourage these individuals' incentive and industry.

PA 23-204, § 153, required a pay range of between \$5 and \$10 per week. This act instead sets a rate of \$1 per day, with higher pay rates based on skill level or other factors as the DOC commissioner or his designee determines.

The act also makes technical changes.

### § 5 — ROUNDING OF CASH BAIL

*Requires cash bail amounts to be rounded down to the nearest dollar*

By law, anyone detained in a community correctional center under a bench warrant or for arraignment, sentencing, or trial must be released upon posting a bond or cash bail. The act requires the bail amount to be rounded down to the nearest dollar.

### § 6 — FACTORS TO RESTORE COMPETENCY

*Adds specific factors that a court must consider when determining the least restrictive placement for a person to restore their competency for trial; generally requires the court, in misdemeanor cases, to presume that outpatient treatment is the appropriate placement*

By law, a defendant in a criminal trial cannot be tried, convicted, or sentenced while he or she is not competent (i.e., is unable to understand the proceedings and assist in his or her own defense). Generally, if the court finds that there is a substantial probability that the defendant will regain competency after a course of treatment, it must order the defendant to be placed (1) for that treatment (in the custody of the Department of Mental Health and Addiction Services (DMHAS) or certain other agencies, including remaining in DOC custody in some cases) to become competent or (2) in DMHAS custody at a treatment facility pending civil commitment proceedings. Any court-ordered treatment, on an inpatient or outpatient basis, must be the least restrictive placement appropriate and available to restore competency.

The act adds factors that a court must consider when determining this least restrictive placement. Specifically, the court must consider the following:

1. the nature and circumstances of the alleged crime;
2. the defendant's record of criminal convictions and appearing in court;
3. the defendant's family and community ties;
4. the defendant's willingness and ability to engage with the treatment, and whether his or her substance use would interfere with the ability to succeed in the placement;
5. any of the defendant's psychiatric symptoms, including their nature and severity; and
6. any other relevant factors specific to the defendant and his or her circumstances.

Under the act, if the defendant is not charged with a felony, the court must

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presume that outpatient treatment is the least restrictive placement appropriate and available to restore competency. But this does not apply if the court has good cause to find otherwise based on the above factors.

### § 7 — JUDICIAL PENSIONS

*Makes technical and conforming changes to a law on the retirement salaries of certain judicial officials without 10 years of service*

By law, for judges, family support magistrates, and workers' compensation administrative law judges who began service on or after July 1, 2014, and retire before serving for 10 years due to disability or reaching the mandatory retirement age (70), their retirement salary is reduced by 10% for each year they served less than that (CGS § 51-50(b)(2)). The act makes technical and conforming changes to a related law by replacing an obsolete provision with one specifying that the retirement salary for these officials who retire at age 70 without 10 years of service must be reduced according to the above law.

These officials without 10 years of service are otherwise ineligible for a retirement salary (see CGS § 51-49i(a)).

EFFECTIVE DATE: July 1, 2024

### § 8 — STANDING CRIMINAL PROTECTIVE ORDERS

*Extends the law on standing criminal protective orders to defendants found not guilty due to mental disease or defect*

The act allows courts to issue, on a victim's behalf, a standing criminal protective order for someone found not guilty of a crime due to mental disease or defect, under the same standards and requirements that apply following a criminal conviction.

Under existing law, a court may issue a standing criminal protective order if the defendant is convicted of certain crimes (e.g., sexual assault or family violence crimes) if the court determines that the offender's criminal conduct indicates that the order will best serve the interest of the victim and the public. For other crimes, a judge may issue a standing criminal protective order for good cause shown. The order remains in place for the period the court sets, unless the court modifies or revokes it for good cause.