



General Assembly

February Session, 2020

Raised Bill No. 5177

LCO No. 1399



Referred to Committee on JUDICIARY

Introduced by:
(JUD)

AN ACT CONCERNING COURT OPERATIONS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 45a-78 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective from passage*):

3 (a) The Probate Court Administrator shall, from time to time,
4 recommend to the judges of the Supreme Court, for adoption and
5 promulgation, [pursuant to the provisions of section 51-14,] uniform
6 rules of procedure in the Probate Courts. Any rules of procedure so
7 adopted and promulgated shall be mandatory upon all Probate Courts.

8 (b) To assist the Probate Court Administrator in formulating such
9 recommendations, the Probate Court Administrator shall meet with the
10 Probate Assembly at least annually, and may meet with members of the
11 bar of this state and with the general public. The Probate Court
12 Administrator shall designate not less than three Probate Court judges
13 who shall hold a public hearing, after reasonable notice is given in the
14 Connecticut Law Journal and otherwise as the Probate Court
15 Administrator deems proper, on any proposed new rule or any change

16 in an existing rule before it is presented to the judges of the Supreme
17 Court for adoption and promulgation.

18 [(b)] (c) The Probate Court Administrator shall, from time to time,
19 publish the rules of procedure for the Probate Courts. The Probate Court
20 Administrator may pay the expenses of publication from the fund
21 established under section 45a-82 and shall sell the book of Probate Court
22 rules of procedure, at a price determined by the Probate Court
23 Administrator. The proceeds from the sales shall be added to and shall
24 become a part of said fund.

25 Sec. 2. Section 46b-16a of the general statutes is repealed and the
26 following is substituted in lieu thereof (*Effective from passage*):

27 (a) Any person who has been the victim of sexual abuse, sexual
28 assault or stalking may make an application to the Superior Court for
29 relief under this section, provided such person has not obtained any
30 other court order of protection arising out of such abuse, assault or
31 stalking and does not qualify to seek relief under section 46b-15. As used
32 in this section, "stalking" means two or more wilful acts, performed in a
33 threatening, predatory or disturbing manner of: Harassing, following,
34 lying in wait for, surveilling, monitoring or sending unwanted gifts or
35 messages to another person directly, indirectly or through a third
36 person, by any method, device or other means, that causes such person
37 to reasonably fear for his or her physical safety.

38 (b) The application shall be accompanied by an affidavit made by the
39 applicant under oath that includes a statement of the specific facts that
40 form the basis for relief. If the applicant attests that disclosure of the
41 applicant's location information would jeopardize the health, safety or
42 liberty of the applicant or the applicant's children, the applicant may
43 request, on a form prescribed by the Chief Court Administrator, that his
44 or her location information not be disclosed. Upon receipt of the
45 application, if the allegations set forth in the affidavit meet the
46 requirements of subsection (a) of this section, the court shall schedule a
47 hearing not later than fourteen days from the date of the application. If

48 a postponement of a hearing on the application is requested by either
49 party, no ex parte order shall be continued except upon agreement of
50 the parties or by order of the court for good cause shown. If the court is
51 closed on the scheduled hearing date, the hearing shall be held on the
52 next day the court is open and any ex parte order that was issued shall
53 remain in effect until the date of such hearing. If the applicant is under
54 eighteen years of age, a parent, guardian or responsible adult who
55 brings the application as next friend of the applicant may not speak on
56 the applicant's behalf at such hearing unless there is good cause shown
57 as to why the applicant is unable to speak on his or her own behalf,
58 except that nothing in this subsection shall preclude such parent,
59 guardian or responsible adult from testifying as a witness at such
60 hearing. If the court finds that there are reasonable grounds to believe
61 that the respondent has committed acts constituting grounds for
62 issuance of an order under this section and will continue to commit such
63 acts or acts designed to intimidate or retaliate against the applicant, the
64 court, in its discretion, may make such orders as it deems appropriate
65 for the protection of the applicant. If the court finds that there are
66 reasonable grounds to believe that an imminent danger exists to the
67 applicant, the court may issue an ex parte order granting such relief as
68 it deems appropriate. In making such orders, the court, in its discretion,
69 may consider relevant court records if the records are available to the
70 public from a clerk of the Superior Court or on the Judicial Branch's
71 Internet web site. Such orders may include, but are not limited to, an
72 order enjoining the respondent from: (1) Imposing any restraint upon
73 the person or liberty of the applicant; (2) threatening, harassing,
74 assaulting, molesting, sexually assaulting or attacking the applicant;
75 and (3) entering the dwelling of the applicant.

76 (c) No order of the court shall exceed one year, except that an order
77 may be extended by the court upon proper motion of the applicant,
78 provided a copy of the motion has been served by a proper officer on
79 the respondent, no other order of protection based on the same facts and
80 circumstances is in place and the need for protection, consistent with
81 subsection (a) of this section, still exists.

82 (d) The applicant shall cause notice of the hearing pursuant to
83 subsection (b) of this section and a copy of the application and the
84 applicant's affidavit and of any ex parte order issued pursuant to
85 subsection (b) of this section to be served by a proper officer on the
86 respondent not less than five days before the hearing. The cost of such
87 service shall be paid for by the Judicial Branch. Upon the granting of an
88 ex parte order, the clerk of the court shall provide two copies of the order
89 to the applicant. Upon the granting of an order after notice and hearing,
90 the clerk of the court shall provide two copies of the order to the
91 applicant and a copy to the respondent. Every order of the court made
92 in accordance with this section after notice and hearing shall be
93 accompanied by a notification that is consistent with the full faith and
94 credit provisions set forth in 18 USC 2265(a), as amended from time to
95 time. Immediately after making service on the respondent, the proper
96 officer shall (1) send or cause to be sent, by facsimile or other means, a
97 copy of the application, or the information contained in such
98 application, stating the date and time the respondent was served, to the
99 law enforcement agency or agencies for the town in which the applicant
100 resides, the town in which the applicant is employed and the town in
101 which the respondent resides, and (2) as soon as possible, but not later
102 than two hours after the time that service is executed, input into the
103 Judicial Branch's Internet-based service tracking system the date, time
104 and method of service. If, prior to the date of the scheduled hearing,
105 service has not been executed, the proper officer shall input into such
106 service tracking system that service was unsuccessful. The clerk of the
107 court shall send, by facsimile or other means, a copy of any ex parte
108 order and of any order after notice and hearing, or the information
109 contained in any such order, to the law enforcement agency or agencies
110 for the town in which the applicant resides, the town in which the
111 applicant is employed and the town in which the respondent resides,
112 not later than forty-eight hours after the issuance of such order, and
113 immediately to the Commissioner of Emergency Services and Public
114 Protection. If the applicant is enrolled in a public or private elementary
115 or secondary school, including a technical education and career school,
116 or an institution of higher education, as defined in section 10a-55, the

117 clerk of the court shall, upon the request of the applicant, send, by
118 facsimile or other means, a copy of such ex parte order or of any order
119 after notice and hearing, or the information contained in any such order,
120 to such school or institution of higher education, the president of any
121 institution of higher education at which the applicant is enrolled and the
122 special police force established pursuant to section 10a-142, if any, at the
123 institution of higher education at which the applicant is enrolled, if the
124 applicant provides the clerk with the name and address of such school
125 or institution of higher education.

126 (e) If the court issues an ex parte order pursuant to subsection (b) of
127 this section and service has not been made on the respondent in
128 conformance with subsection (d) of this section, upon request of the
129 applicant, the court shall, based on the information contained in the
130 original application, extend any ex parte order for an additional period
131 not to exceed fourteen days from the originally scheduled hearing date.
132 The clerk of the court shall prepare a new order of hearing and notice
133 containing the new hearing date, which shall be served upon the
134 respondent in accordance with the provisions of subsection (d) of this
135 section.

136 ~~[(e)]~~ (f) An action under this section shall not preclude the applicant
137 from subsequently seeking any other civil or criminal relief based on the
138 same facts and circumstances.

139 Sec. 3. Subsection (b) of section 46b-124 of the 2020 supplement to the
140 general statutes is repealed and the following is substituted in lieu
141 thereof (*Effective July 1, 2020*):

142 (b) All records of cases of juvenile matters, as provided in section 46b-
143 121, except delinquency proceedings, or any part thereof, and all records
144 of appeals from probate brought to the superior court for juvenile
145 matters pursuant to section 45a-186, shall be confidential and for the use
146 of the court in juvenile matters, and open to inspection or disclosure to
147 any third party, including bona fide researchers commissioned by a
148 state agency, only upon order of the Superior Court, except that: (1) Such

149 records shall be available to (A) the attorney representing the child,
150 including the Division of Public Defender Services, in any proceeding
151 in which such records are relevant, (B) the parents or guardian of the
152 child until such time as the child reaches the age of majority or becomes
153 emancipated, (C) an adult adopted person in accordance with the
154 provisions of sections 45a-736, 45a-737 and 45a-743 to 45a-757, inclusive,
155 (D) employees of the Division of Criminal Justice who, in the
156 performance of their duties, require access to such records, (E)
157 employees of the Judicial Branch who, in the performance of their
158 duties, require access to such records, (F) another court under the
159 provisions of subsection (d) of section 46b-115j, (G) the subject of the
160 record, upon submission of satisfactory proof of the subject's identity,
161 pursuant to guidelines prescribed by the Office of the Chief Court
162 Administrator, provided the subject has reached the age of majority or
163 has been emancipated, (H) the Department of Children and Families, (I)
164 the employees of the Division of Public Defender Services who, in the
165 performance of their duties related to Division of Public Defender
166 Services assigned counsel, require access to such records, [and] (J)
167 judges and employees of the Probate Court who, in the performance of
168 their duties, require access to such records, and (K) members and
169 employees of the Judicial Review Council who, in the performance of
170 their duties related to said council, require access to such records; and
171 (2) all or part of the records concerning a youth in crisis with respect to
172 whom a court order was issued prior to January 1, 2010, may be made
173 available to the Department of Motor Vehicles, provided such records
174 are relevant to such order. Any records of cases of juvenile matters, or
175 any part thereof, provided to any persons, governmental or private
176 agencies, or institutions pursuant to this section shall not be disclosed,
177 directly or indirectly, to any third party not specified in subsection (d)
178 of this section, except as provided by court order, in the report required
179 under section 54-76d or 54-91a or as otherwise provided by law.

180 Sec. 4. Subsection (d) of section 46b-124 of the 2020 supplement to the
181 general statutes is repealed and the following is substituted in lieu
182 thereof (*Effective July 1, 2020*):

183 (d) Records of cases of juvenile matters involving delinquency
184 proceedings shall be available to (1) Judicial Branch employees who, in
185 the performance of their duties, require access to such records, (2) judges
186 and employees of the Probate Court who, in the performance of their
187 duties, require access to such records, and (3) employees and authorized
188 agents of state or federal agencies involved in (A) the delinquency
189 proceedings, (B) the provision of services directly to the child, or (C) the
190 delivery of court diversionary programs. Such employees and
191 authorized agents include, but are not limited to, law enforcement
192 officials, community-based youth service bureau officials, state and
193 federal prosecutorial officials, school officials in accordance with section
194 10-233h, court officials including officials of both the regular criminal
195 docket and the docket for juvenile matters and officials of the Division
196 of Criminal Justice, the Division of Public Defender Services, the
197 Department of Children and Families, if the child is committed pursuant
198 to section 46b-129, provided such disclosure shall be limited to (i)
199 information that identifies the child as the subject of the delinquency
200 petition, or (ii) the records of the delinquency proceedings, when the
201 juvenile court orders the department to provide services to said child,
202 the Court Support Services Division and agencies under contract with
203 the Judicial Branch. Such records shall also be available to (I) the
204 attorney representing the child, including the Division of Public
205 Defender Services, in any proceeding in which such records are
206 relevant, (II) the parents or guardian of the child, until such time as the
207 subject of the record reaches the age of majority, (III) the subject of the
208 record, upon submission of satisfactory proof of the subject's identity,
209 pursuant to guidelines prescribed by the Office of the Chief Court
210 Administrator, provided the subject has reached the age of majority,
211 (IV) law enforcement officials and prosecutorial officials conducting
212 legitimate criminal investigations, (V) a state or federal agency
213 providing services related to the collection of moneys due or funding to
214 support the service needs of eligible juveniles, provided such disclosure
215 shall be limited to that information necessary for the collection of and
216 application for such moneys, [and] (VI) members and employees of the
217 Board of Pardons and Paroles and employees of the Department of

218 Correction who, in the performance of their duties, require access to
219 such records, provided the subject of the record has been convicted of a
220 crime in the regular criminal docket of the Superior Court and such
221 records are relevant to the performance of a risk and needs assessment
222 of such person while such person is incarcerated, the determination of
223 such person's suitability for release from incarceration or for a pardon,
224 or the determination of the supervision and treatment needs of such
225 person while on parole or other supervised release, and (VII) members
226 and employees of the Judicial Review Council who, in the performance
227 of their duties related to said council, require access to such records.
228 Records disclosed pursuant to this subsection shall not be further
229 disclosed, except that information contained in such records may be
230 disclosed in connection with bail or sentencing reports in open court
231 during criminal proceedings involving the subject of such information,
232 or as otherwise provided by law.

233 Sec. 5. Subsection (c) of section 46b-127 of the 2020 supplement to the
234 general statutes is repealed and the following is substituted in lieu
235 thereof (*Effective from passage*):

236 (c) (1) (A) Any proceeding of any case transferred to the regular
237 criminal docket pursuant to this section shall be (i) private, except that
238 any victim and the victim's next of kin shall not be excluded from such
239 proceeding, unless, after hearing from the parties, the victim or the
240 victim's next of kin, and for good cause shown, which good cause shall
241 be clearly and specifically stated on the record, the judge orders
242 otherwise, and [shall be] (ii) conducted in such parts of the courthouse
243 or the building in which the court is located that are separate and apart
244 from the other parts of the court which are then being used for
245 proceedings pertaining to adults charged with crimes. Any records of
246 such proceedings shall be confidential in the same manner as records of
247 cases of juvenile matters are confidential in accordance with the
248 provisions of section 46b-124, as amended by this act, except as
249 provided in subparagraph (B) of this subdivision, unless and until the
250 court or jury renders a verdict or a guilty plea is entered in such case on
251 the regular criminal docket. For the purposes of this subparagraph, (I)

252 "victim" means the victim of the crime, a parent or guardian of such
253 person, the legal representative of such person or a victim advocate for
254 such person under section 54-220, and (II) "next of kin" means a spouse,
255 an adult child, a parent, an adult sibling, or a grandparent.

256 (B) Records of any child whose case is transferred to the regular
257 criminal docket under this section, or any part of such records, shall be
258 available to the victim of the crime committed by the child to the same
259 extent as the records of the case of a defendant in a criminal proceeding
260 in the regular criminal docket of the Superior Court is available to a
261 victim of the crime committed by such defendant. The court shall
262 designate an official from whom the victim may request such records.
263 Records disclosed pursuant to this subparagraph shall not be further
264 disclosed.

265 (2) If a case is transferred to the regular criminal docket pursuant to
266 subdivision (3) of subsection (a) of this section or subsection (b) of this
267 section, or if a case is transferred to the regular criminal docket pursuant
268 to subdivision (1) of subsection (a) of this section and the charge in such
269 case is subsequently reduced to that of the commission of an offense for
270 which a case may be transferred pursuant to subdivision (2) or (3) of
271 subsection (a) of this section or subsection (b) of this section, the court
272 sitting for the regular criminal docket may return the case to the docket
273 for juvenile matters at any time prior to the court or jury rendering a
274 verdict or the entry of a guilty plea for good cause shown for
275 proceedings in accordance with the provisions of this chapter.

276 Sec. 6. Section 51-14 of the general statutes is repealed and the
277 following is substituted in lieu thereof (*Effective from passage*):

278 (a) The judges of the Supreme Court, the judges of the Appellate
279 Court, and the judges of the Superior Court shall adopt and promulgate
280 and may from time to time modify or repeal rules and forms regulating
281 pleading, practice and procedure in judicial proceedings in courts in
282 which they have the constitutional authority to make rules, for the
283 purpose of simplifying proceedings in the courts and of promoting the

284 speedy and efficient determination of litigation upon its merits. The
285 rules of the Appellate Court shall be as consistent as feasible with the
286 rules of the Supreme Court to promote uniformity in the procedure for
287 the taking of appeals, [and may dispense, so far as justice to the parties
288 will permit while affording a fair review, with the necessity of printing
289 of records and briefs.] Such rules shall not abridge, enlarge or modify
290 any substantive right or the jurisdiction of any of the courts. [Subject to
291 the provisions of subsection (b) of this section, such] Such rules shall
292 become effective on such date as the judges specify but not in any event
293 until sixty days after such promulgation, except that such rules may
294 become effective prior to the expiration of the sixty-day time period if
295 the judges deem that circumstances require that a new rule or a change
296 to an existing rule be adopted expeditiously.

297 [(b) All statutes relating to pleading, practice and procedure in
298 existence on July 1, 1957, shall be deemed to be rules of court and shall
299 remain in effect as such only until modified, superseded or suspended
300 by rules adopted and promulgated by the judges of the Supreme Court
301 or the Superior Court pursuant to the provisions of this section. The
302 Chief Justice shall report any such rules to the General Assembly for
303 study at the beginning of each regular session. Such rules shall be
304 referred by the speaker of the House or by the president of the Senate to
305 the judiciary committee for its consideration and such committee shall
306 schedule hearings thereon. Any rule or any part thereof disapproved by
307 the General Assembly by resolution shall be void and of no effect and a
308 copy of such resolution shall thereafter be published once in the
309 Connecticut Law Journal.]

310 [(c)] (b) The judges or a committee of their number shall hold public
311 hearings, of which reasonable notice shall be given in the Connecticut
312 Law Journal and otherwise as they deem proper, upon any proposed
313 new rule or any change in an existing rule that is to come before said
314 judges for action, and each such proposed new rule or change in an
315 existing rule shall be published in the Connecticut Law Journal as a part
316 of such notice. A public hearing shall be held at least once a year, of
317 which reasonable notice shall likewise be given, at which any member

318 of the bar or layman may bring to the attention of the judges any new
319 rule or change in an existing rule that he deems desirable.

320 [(d)] (c) Upon the taking effect of such rules adopted and
321 promulgated by the judges of the Supreme Court pursuant to the
322 provisions of this section, all provisions of rules theretofore
323 promulgated by the judges of the Superior Court shall be deemed to be
324 repealed.

325 Sec. 7. Subsection (b) of section 51-164n of the 2020 supplement to the
326 general statutes is repealed and the following is substituted in lieu
327 thereof (*Effective July 1, 2020*):

328 (b) Notwithstanding any provision of the general statutes, any person
329 who is alleged to have committed (1) a violation under the provisions of
330 section 1-9, 1-10, 1-11, 4b-13, 7-13, 7-14, 7-35, 7-41, 7-83, 7-283, 7-325, 7-
331 393, 8-12, 8-25, 8-27, 9-63, 9-322, 9-350, 10-193, 10-197, 10-198, 10-230, 10-
332 251, 10-254, 12-52, 12-170aa, 12-292, 12-314b or 12-326g, subdivision (4)
333 of section 12-408, subdivision (3), (5) or (6) of section 12-411, section 12-
334 435c, 12-476a, 12-476b, 12-487, 13a-71, 13a-107, 13a-113, 13a-114, 13a-115,
335 13a-117b, 13a-123, 13a-124, 13a-139, 13a-140, 13a-143b, 13a-247 or 13a-
336 253, subsection (f) of section 13b-42, section 13b-90, 13b-221, 13b-292,
337 13b-336, 13b-337, 13b-338, 13b-410a, 13b-410b or 13b-410c, subsection
338 (a), (b) or (c) of section 13b-412, section 13b-414, subsection (d) of section
339 14-12, section 14-20a or 14-27a, subsection (f) of section 14-34a,
340 subsection (d) of section 14-35, section 14-43, 14-49, 14-50a or 14-58,
341 subsection (b) of section 14-66, section 14-66a or 14-67a, subsection (g)
342 of section 14-80, subsection (f) of section 14-80h, section 14-97a, 14-100b,
343 14-103a, 14-106a, 14-106c, 14-146, 14-152, 14-153 or 14-163b, a first
344 violation as specified in subsection (f) of section 14-164i, section 14-219
345 as specified in subsection (e) of said section, subdivision (1) of section
346 14-223a, section 14-240, 14-250 or 14-253a, subsection (a) of section 14-
347 261a, section 14-262, 14-264, 14-267a, 14-269, 14-270, 14-275a, 14-278 or
348 14-279, subsection (e) or (h) of section 14-283, section 14-291, 14-293b, 14-
349 296aa, 14-300, 14-300d, 14-319, 14-320, 14-321, 14-325a, 14-326, 14-330 or
350 14-332a, subdivision (1), (2) or (3) of section 14-386a, section 15-25 or 15-

351 33, subdivision (1) of section 15-97, subsection (a) of section 15-115,
352 section 16-44, 16-256e, 16a-15 or 16a-22, subsection (a) or (b) of section
353 16a-22h, section 17a-24, 17a-145, 17a-149, 17a-152, 17a-465, 17b-124, 17b-
354 131, 17b-137, 19a-30, 19a-33, 19a-39 or 19a-87, subsection (b) of section
355 19a-87a, section 19a-91, 19a-105, 19a-107, 19a-113, 19a-215, 19a-219, 19a-
356 222, 19a-224, 19a-286, 19a-287, 19a-297, 19a-301, 19a-309, 19a-335, 19a-
357 336, 19a-338, 19a-339, 19a-340, 19a-425, 19a-502, 20-7a, 20-14, 20-158, 20-
358 231, 20-249, 20-257, 20-265, 20-324e, subsection (b) of section 20-334, 20-
359 341l, 20-366, 20-597, 20-608, 20-610, 21-1, 21-38, 21-39, 21-43, 21-47, 21-48,
360 21-63 or 21-76a, subsection (c) of section 21a-2, subdivision (1) of section
361 21a-19, section 21a-21, subdivision (1) of subsection (b) of section 21a-
362 25, section 21a-26 or 21a-30, subsection (a) of section 21a-37, section 21a-
363 46, 21a-61, 21a-63 or 21a-77, subsection (b) of section 21a-79, section 21a-
364 85 or 21a-154, subdivision (1) of subsection (a) of section 21a-159,
365 subsection (a) of section 21a-279a, section 22-12b, 22-13, 22-14, 22-15, 22-
366 16, 22-26g, 22-29, 22-34, 22-35, 22-36, 22-38, 22-39, 22-39a, 22-39b, 22-39c,
367 22-39d, 22-39e, 22-49, [or] 22-54, 22-61l or 22-61m, subsection (d) of
368 section 22-84, section 22-89, 22-90, 22-98, 22-99, 22-100, 22-111o, 22-167,
369 22-279, 22-280a, 22-318a, 22-320h, 22-324a, 22-326 or 22-342, subsection
370 (b), (e) or (f) of section 22-344, section 22-359, 22-366, 22-391, 22-413, 22-
371 414, 22-415, 22a-66a or 22a-246, subsection (a) of section 22a-250,
372 subsection (e) of section 22a-256h, section 22a-363 or 22a-381d,
373 subsections (c) and (d) of section 22a-381e, section 22a-449, 22a-461, 23-
374 38, 23-46 or 23-61b, subsection (a) or subdivision (1) of subsection (c) of
375 section 23-65, section 25-37 or 25-40, subsection (a) of section 25-43,
376 section 25-43d, 25-135, 26-18, 26-19, 26-21, 26-31, 26-40, 26-40a, 26-42, 26-
377 49, 26-54, 26-55, 26-56, 26-58 or 26-59, subdivision (1) of subsection (d)
378 of section 26-61, section 26-64, subdivision (1) of section 26-76, section
379 26-79, 26-87, 26-89, 26-91, 26-94, 26-97, 26-98, 26-104, 26-105, 26-107, 26-
380 117, 26-128, 26-131, 26-132, 26-138 or 26-141, subdivision (1) of section
381 26-186, section 26-207, 26-215, 26-217 or 26-224a, subdivision (1) of
382 section 26-226, section 26-227, 26-230, 26-232, 26-244, 26-257a, 26-260, 26-
383 276, 26-284, 26-285, 26-286, 26-288, 26-294, 28-13, 29-6a, 29-25, 29-143o,
384 29-143z or 29-156a, subsection (b), (d), (e) or (g) of section 29-161q,
385 section 29-161y or 29-161z, subdivision (1) of section 29-198, section 29-

386 210, 29-243 or 29-277, subsection (c) of section 29-291c, section 29-316,
387 29-318, 29-381, 30-48a, 30-86a, 31-3, 31-10, 31-11, 31-12, 31-13, 31-14, 31-
388 15, 31-16, 31-18, 31-23, 31-24, 31-25, 31-32, 31-36, 31-38, 31-40, 31-44, 31-
389 47, 31-48, 31-51, 31-52, 31-52a or 31-54, subsection (a) or (c) of section 31-
390 69, section 31-70, 31-74, 31-75, 31-76, 31-76a, 31-89b or 31-134, subsection
391 (i) of section 31-273, section 31-288, subdivision (1) of section 35-20,
392 section 36a-787, 42-230, 45a-283, 45a-450, 45a-634 or 45a-658, subdivision
393 (13) or (14) of section 46a-54, section 46a-59, 46b-22, 46b-24, 46b-34, 47-
394 34a, 47-47, 49-8a, 49-16, 53-133, 53-199, 53-212a, 53-249a, 53-252, 53-264,
395 53-280, 53-302a, 53-303e, 53-311a, 53-321, 53-322, 53-323, 53-331 or 53-
396 344, subsection (c) of section 53-344b, or section 53-450, or (2) a violation
397 under the provisions of chapter 268, or (3) a violation of any regulation
398 adopted in accordance with the provisions of section 12-484, 12-487 or
399 13b-410, or (4) a violation of any ordinance, regulation or bylaw of any
400 town, city or borough, except violations of building codes and the health
401 code, for which the penalty exceeds ninety dollars but does not exceed
402 two hundred fifty dollars, unless such town, city or borough has
403 established a payment and hearing procedure for such violation
404 pursuant to section 7-152c, shall follow the procedures set forth in this
405 section.

406 Sec. 8. Subsection (a) of section 51-51l of the general statutes is
407 repealed and the following is substituted in lieu thereof (*Effective July 1,*
408 *2020*):

409 (a) Except as provided in subsection (d) of this section, the Judicial
410 Review Council shall investigate every written complaint brought
411 before it alleging conduct under section 51-51i, and may initiate an
412 investigation of any judge, compensation commissioner or family
413 support magistrate if (1) the council has reason to believe conduct under
414 section 51-51i has occurred or (2) previous complaints indicate a pattern
415 of behavior which would lead to a reasonable belief that conduct under
416 section 51-51i has occurred. The council shall, not later than five days
417 after such initiation of an investigation or receipt of such complaint,
418 notify by registered or certified mail any judge, compensation
419 commissioner or family support magistrate under investigation or

420 against whom such complaint is filed. A copy of any such complaint
421 shall accompany such notice. The council shall also notify the
422 complainant of its receipt of such complaint not later than five days
423 thereafter. Any investigation to determine whether or not there is
424 probable cause that conduct under section 51-51i has occurred shall be
425 confidential and any individual called by the council for the purpose of
426 providing information shall not disclose his knowledge of such
427 investigation to a third party prior to the decision of the council on
428 whether probable cause exists, unless the respondent requests that such
429 investigation and disclosure be open, provided information known or
430 obtained independently of any such investigation shall not be
431 confidential. The judge, compensation commissioner or family support
432 magistrate shall have the right to appear and be heard and to offer any
433 information which may tend to clear him of probable cause to believe
434 he is guilty of conduct under section 51-51i. The judge, compensation
435 commissioner or family support magistrate shall also have the right to
436 be represented by legal counsel and examine and cross-examine
437 witnesses. In conducting its investigation under this subsection, the
438 council may request that a court furnish to the council a record or
439 transcript of court proceedings, including records and transcripts of
440 juvenile matters pursuant to section 46b-124, as amended by this act,
441 and records and transcripts of cases involving youthful offenders
442 pursuant to section 54-76l, as amended by this act, made or prepared by
443 a court reporter, assistant court reporter or monitor and the court shall,
444 upon such request, furnish such record or transcript.

445 Sec. 9. Subsection (a) of section 52-212 of the general statutes is
446 repealed and the following is substituted in lieu thereof (*Effective from*
447 *passage*):

448 (a) Any judgment rendered or decree passed upon a default or
449 nonsuit in the Superior Court may be set aside, within four months
450 following the date on which [it was rendered or passed,] notice was sent
451 and the case reinstated on the docket, on such terms in respect to costs
452 as the court deems reasonable, upon the complaint or written motion of
453 any party or person prejudiced thereby, showing reasonable cause, or

454 that a good cause of action or defense in whole or in part existed at the
455 time of the rendition of the judgment or the passage of the decree, and
456 that the plaintiff or defendant was prevented by mistake, accident or
457 other reasonable cause from prosecuting the action or making the
458 defense.

459 Sec. 10. Section 52-212a of the general statutes is repealed and the
460 following is substituted in lieu thereof (*Effective from passage*):

461 Unless otherwise provided by law and except in such cases in which
462 the court has continuing jurisdiction, a civil judgment or decree
463 rendered in the Superior Court may not be opened or set aside unless a
464 motion to open or set aside is filed within four months following the
465 date on which [it was rendered or passed] the notice of judgment or
466 decree was sent. The continuing jurisdiction conferred on the court in
467 preadoptive proceedings pursuant to subsection (o) of section 17a-112
468 does not confer continuing jurisdiction on the court for purposes of
469 reopening a judgment terminating parental rights. The parties may
470 waive the provisions of this section or otherwise submit to the
471 jurisdiction of the court, provided the filing of an amended petition for
472 termination of parental rights does not constitute a waiver of the
473 provisions of this section or a submission to the jurisdiction of the court
474 to reopen a judgment terminating parental rights.

475 Sec. 11. Section 54-1g of the general statutes is repealed and the
476 following is substituted in lieu thereof (*Effective from passage*):

477 (a) Any arrested person who is not released sooner or who is charged
478 with a family violence crime as defined in section 46b-38a or a violation
479 of section 53a-181c, 53a-181d or 53a-181e shall be promptly presented
480 for arraignment before the superior court sitting next regularly for the
481 geographical area where the offense is alleged to have been committed.
482 If an arrested person is hospitalized, or has escaped or is otherwise
483 incapacitated, the person shall be presented for arraignment, if
484 practicable, to the first regular sitting after return to police custody,
485 except that upon a finding of good cause shown that is placed on the

486 record, the judicial authority may waive the presence of such arrested
487 person at the arraignment. Counsel for the arrested person shall be
488 present at any hearing regarding waiver and a public defender may be
489 appointed for the purpose of representing the arrested person at the
490 waiver hearing.

491 (b) Any arrested person who is charged with a violation of section
492 53a-223, 53a-223a or 53a-223b shall be promptly presented for
493 arraignment to the superior court next sitting for the geographical area
494 where the offense is alleged to have been committed. If the alleged
495 offense was committed in a geographical area of the Superior Court
496 other than the geographical area where the protective order was issued,
497 the prosecutorial official for the geographical area of the Superior Court
498 where the alleged offense was committed shall notify the prosecutorial
499 official for the geographical area where the protective order was issued
500 of the alleged violation of such protective order. On motion of any party
501 or the court, the prosecution of such offense may be transferred to the
502 superior court for the geographical area where the protective order was
503 issued.

504 Sec. 12. Subsection (a) of section 54-108f of the general statutes is
505 repealed and the following is substituted in lieu thereof (*Effective from*
506 *passage*):

507 (a) The Court Support Services Division of the Judicial Branch may
508 issue a certificate of rehabilitation to an eligible offender who is under
509 the supervision of the division while on probation or other supervised
510 release, or may issue a new certificate of rehabilitation to enlarge the
511 relief previously granted under such certificate of rehabilitation or
512 revoke any such certificate of rehabilitation in accordance with the
513 provisions of section 54-130e that are applicable to certificates of
514 rehabilitation. If the division issues, enlarges the relief previously
515 granted under a certificate of rehabilitation or revokes a certificate of
516 rehabilitation under this section, the division shall immediately file
517 written notice of such action with the Board of Pardons and Paroles.
518 Nothing in section 54-130e shall require the division to continue

519 monitoring the criminal activity of any person to whom the division has
520 issued a certificate of rehabilitation but who is no longer under the
521 supervision of the division. The division shall revoke the certificate of
522 rehabilitation of any person to whom the division has issued a certificate
523 of rehabilitation but who is no longer under the supervision of the
524 division pursuant to subsection (k) of section 54-130e only if the division
525 is notified or becomes aware that such person has subsequently been
526 convicted of a crime, as defined in section 53a-24.

527 Sec. 13. Section 54-209 of the 2020 supplement to the general statutes
528 is repealed and the following is substituted in lieu thereof (*Effective from*
529 *passage*):

530 (a) The Office of Victim Services or, on review, a victim compensation
531 commissioner, may order the payment of compensation in accordance
532 with the provisions of sections 54-201 to 54-218, inclusive, for personal
533 injury or death which resulted from: (1) An attempt to prevent the
534 commission of crime or to apprehend a suspected criminal or in aiding
535 or attempting to aid a police officer so to do, (2) the commission or
536 attempt to commit by another of any crime as provided in section 53a-
537 24, (3) any crime that occurred outside the territorial boundaries of the
538 United States that would be considered a crime within this state,
539 provided the victim of such crime is a resident of this state, or (4) any
540 crime involving international terrorism as defined in Section 2331 of
541 Title 18 of the United States Code.

542 (b) The Office of Victim Services or, on review, a victim compensation
543 commissioner, may also order the payment of compensation in
544 accordance with the provisions of sections 54-201 to 54-218, inclusive,
545 for personal injury or death that resulted from the operation of a motor
546 vehicle, water vessel, snow mobile or all-terrain vehicle by another
547 person who was subsequently convicted with respect to such operation
548 for a violation of subsection (a) or subdivision (1) of subsection (b) of
549 section 14-224, section 14-227a or 14-227m, subdivision (1) or (2) of
550 subsection (a) of section 14-227n, subdivision (3) of section 14-386a or
551 section 15-132a, 15-140l, 15-140n, 53a-56b or 53a-60d. In the absence of a

552 conviction, the Office of Victim Services or, on review, a victim
553 compensation commissioner, may order payment of compensation
554 under this section if, upon consideration of all circumstances
555 determined to be relevant, the office or commissioner, as the case may
556 be, reasonably concludes that another person has operated a motor
557 vehicle in violation of subsection (a) or subdivision (1) of subsection (b)
558 of section 14-224, section 14-227a or 14-227m, subdivision (1) or (2) of
559 subsection (a) of section 14-227n, subdivision (3) of section 14-386a or
560 section 15-132a, 15-140l, 15-140n, 53a-56b or 53a-60d.

561 (c) Except as provided in subsection (b) of this section, no act
562 involving the operation of a motor vehicle which results in injury shall
563 constitute a crime for the purposes of sections 54-201 to 54-218,
564 inclusive, unless the injuries were intentionally inflicted through the use
565 of the vehicle.

566 (d) In instances where a violation of section 53a-70b of the general
567 statutes, revision of 1958, revised to January 1, 2019, or section 53-21,
568 53a-70, 53a-70a, 53a-70c, 53a-71, 53a-72a, 53a-72b, 53a-73a, 53a-82, [or]
569 53a-192a or family violence, as defined in section 46b-38a, has been
570 alleged, the Office of Victim Services or, on review, a victim
571 compensation commissioner, may order compensation be paid if (1) the
572 personal injury has been disclosed to: (A) A physician or surgeon
573 licensed under chapter 370; (B) a resident physician or intern in any
574 hospital in this state, whether or not licensed; (C) a physician assistant
575 licensed under chapter 370; (D) an advanced practice registered nurse,
576 registered nurse or practical nurse licensed under chapter 378; (E) a
577 psychologist licensed under chapter 383; (F) a police officer; (G) a mental
578 health professional; (H) an emergency medical services provider
579 licensed or certified under chapter 368d; (I) an alcohol and drug
580 counselor licensed or certified under chapter 376b; (J) a marital and
581 family therapist licensed under chapter 383a; (K) a domestic violence
582 counselor or a sexual assault counselor, as defined in section 52-146k;
583 (L) a professional counselor licensed under chapter 383c; (M) a clinical
584 social worker licensed under chapter 383b; (N) an employee of the
585 Department of Children and Families; [or] (O) a school principal, a

586 school teacher, a school guidance counselor or a school counselor; [, and
587 (2)] or (P) an employee of a child advocacy center, established pursuant
588 to section 17a-106a; or (2) the personal injury is reported in an
589 application for a restraining order under section 46b-15 or an
590 application for a civil protection order under section 46b-16a, as
591 amended by this act, or on the record to the court, provided such
592 restraining order or civil protection order was granted in the Superior
593 Court following a hearing; and (3) the office or commissioner, as the case
594 may be, reasonably concludes that a violation of any of said sections has
595 occurred.

596 [(e) In instances where a violation of section 53a-70b of the general
597 statutes, revision of 1958, revised to January 1, 2019, or section 53-21,
598 53a-70, 53a-70a, 53a-70c, 53a-71, 53a-72a, 53a-72b, 53a-73a, 53a-82, 53a-
599 192a or family violence, as defined in section 46b-38a, has been alleged,
600 the Office of Victim Services or, on review, a victim compensation
601 commissioner, may also order the payment of compensation under
602 sections 54-201 to 54-218, inclusive, for personal injury suffered by a
603 victim (1) as reported in an application for a restraining order under
604 section 46b-15 or an application for a civil protection order under section
605 46b-16a, an affidavit supporting an application under section 46b-15 or
606 section 46b-16a, or on the record to the court, provided such restraining
607 order or civil protection order was granted in the Superior Court
608 following a hearing; or (2) as disclosed to a domestic violence counselor
609 or a sexual assault counselor, as such terms are defined in section 52-
610 146k.]

611 [(f)] (e) Evidence of an order for the payment of compensation by the
612 Office of Victim Services or a victim compensation commissioner in
613 accordance with the provisions of sections 54-201 to 54-218, inclusive,
614 shall not be admissible in any civil proceeding to prove the liability of
615 any person for such personal injury or death or in any criminal
616 proceeding to prove the guilt or innocence of any person for any crime.

617 Sec. 14. Subsection (b) of section 54-76l of the 2020 supplement to the
618 general statutes is repealed and the following is substituted in lieu

619 thereof (*Effective July 1, 2020*):

620 (b) The records of any such youth, or any part thereof, may be
621 disclosed to and between individuals and agencies, and employees of
622 such agencies, providing services directly to the youth, including law
623 enforcement officials, state and federal prosecutorial officials, school
624 officials in accordance with section 10-233h, court officials, the Division
625 of Criminal Justice, the Court Support Services Division and a victim
626 advocate under section 54-220 for a victim of a crime committed by the
627 youth. Such records shall also be available to the attorney representing
628 the youth, in any proceedings in which such records are relevant, to the
629 parents or guardian of such youth, until such time as the youth reaches
630 the age of majority or is emancipated, and to the youth upon his or her
631 emancipation or attainment of the age of majority, provided proof of the
632 identity of such youth is submitted in accordance with guidelines
633 prescribed by the Chief Court Administrator. Such records shall also be
634 available to members and employees of the Board of Pardons and
635 Paroles and employees of the Department of Correction who, in the
636 performance of their duties, require access to such records, provided the
637 subject of the record has been adjudged a youthful offender and
638 sentenced to a term of imprisonment or been convicted of a crime in the
639 regular criminal docket of the Superior Court, and such records are
640 relevant to the performance of a risk and needs assessment of such
641 person while such person is incarcerated, the determination of such
642 person's suitability for release from incarceration or for a pardon, or the
643 determination of the supervision and treatment needs of such person
644 while on parole or other supervised release. Such records shall also be
645 available to law enforcement officials and prosecutorial officials
646 conducting legitimate criminal investigations. Such records shall also be
647 available to members and employees of the Judicial Review Council
648 who, in the performance of their duties, require access to such records.
649 Such records disclosed pursuant to this subsection shall not be further
650 disclosed.

651 Sec. 15. Section 54-228 of the general statutes is repealed and the
652 following is substituted in lieu thereof (*Effective July 1, 2020*):

653 (a) Any victim of a crime, any member of the immediate family of
654 such victim, as designated by such victim, or any member of an inmate's
655 immediate family who desires to be notified whenever an inmate makes
656 an application to the Board of Pardons and Paroles, Department of
657 Correction, sentencing court or judge or review division as provided in
658 section 54-227, or whenever an inmate is scheduled to be released from
659 a correctional institution other than on a furlough, may complete and
660 file a request for notification with the Office of Victim Services or the
661 Victim Services Unit within the Department of Correction.

662 (b) Any victim of a criminal offense against a victim who is a minor,
663 a nonviolent sexual offense or a sexually violent offense, as those terms
664 are defined in section 54-250, or a felony found by the sentencing court
665 to have been committed for a sexual purpose, as provided in section 54-
666 254, or any member of the immediate family of such victim, as
667 designated by such victim, who desires to be notified whenever the
668 person who was convicted or found not guilty by reason of mental
669 disease or defect of such offense files an application with the court to be
670 exempted from the registration requirements of section 54-251 pursuant
671 to subsection (b) or (c) of said section or files a petition with the court
672 pursuant to section 54-255 for an order restricting the dissemination of
673 the registration information, or removing such restriction, may
674 complete and file a request for notification with the Office of Victim
675 Services or the Victim Services Unit within the Department of
676 Correction.

677 (c) A request for notification filed pursuant to this section shall be in
678 such form and content as the Office of the Chief Court Administrator
679 may prescribe. Such request for notification shall be confidential and
680 shall remain confidential while in the custody of the Office of Victim
681 Services and the Department of Correction and shall not be disclosed. It
682 shall be the responsibility of the victim to notify the Office of Victim
683 Services and the Victim Services Unit within the Department of
684 Correction of his or her current mailing address and telephone number,
685 which shall be kept confidential and shall not be disclosed by the Office
686 of Victim Services and the Department of Correction. Nothing in this

687 section shall be construed to prohibit the Office of Victim Services, the
688 Board of Pardons and Paroles and the Victim Services Unit within the
689 Department of Correction from communicating with each other for the
690 purpose of facilitating notification to a victim and disclosing to each
691 other the name, mailing address and telephone number of the victim,
692 provided such information shall not be further disclosed.

693 Sec. 16. (NEW) (*Effective from passage*) (a) Notwithstanding the
694 provisions of section 46b-124 of the general statutes, as amended by this
695 act, the Judicial Branch may permit, subject to policies and procedures
696 approved by the Chief Court Administrator, the following individuals
697 to enter a juvenile detention center and interact with staff and juveniles
698 in such center without a court order, provided entry is required for the
699 performance of that individual's duties:

700 (1) An employee or official of the Judicial Branch;

701 (2) An employee or authorized agent of the organization or agency
702 responsible for providing educational services;

703 (3) An employee or official of the Division of Criminal Justice;

704 (4) An employee or official of the Division of Public Defender
705 Services;

706 (5) An attorney representing a juvenile;

707 (6) An employee or official of the Office of the Attorney General;

708 (7) An employee or official of the Department of Children and
709 Families;

710 (8) A law enforcement official involved in a legitimate criminal
711 investigation;

712 (9) An employee or authorized agent of an organization or agency
713 contracted with the Judicial Branch to provide services to juveniles;

714 (10) An individual who has been authorized by the Judicial Branch to

715 provide enrichment, recreational or religious services to juveniles; and

716 (11) An individual who has been authorized by the Judicial Branch to
 717 repair or maintain the juvenile detention center.

718 (b) A judge of the Superior Court may, upon finding that an
 719 individual not authorized under subsection (a) has a legitimate interest
 720 in entering a juvenile detention center, order that such individual be
 721 allowed to enter the juvenile detention center.

722 (c) Any individual permitted to enter a juvenile detention center
 723 pursuant to this section shall not disclose, directly or indirectly, any
 724 information obtained by such individual that specifically identifies a
 725 juvenile, unless authorized by court order or otherwise provided by
 726 law.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	45a-78
Sec. 2	<i>from passage</i>	46b-16a
Sec. 3	<i>July 1, 2020</i>	46b-124(b)
Sec. 4	<i>July 1, 2020</i>	46b-124(d)
Sec. 5	<i>from passage</i>	46b-127(c)
Sec. 6	<i>from passage</i>	51-14
Sec. 7	<i>July 1, 2020</i>	51-164n(b)
Sec. 8	<i>July 1, 2020</i>	51-511(a)
Sec. 9	<i>from passage</i>	52-212(a)
Sec. 10	<i>from passage</i>	52-212a
Sec. 11	<i>from passage</i>	54-1g
Sec. 12	<i>from passage</i>	54-108f(a)
Sec. 13	<i>from passage</i>	54-209
Sec. 14	<i>July 1, 2020</i>	54-761(b)
Sec. 15	<i>July 1, 2020</i>	54-228
Sec. 16	<i>from passage</i>	New section

Statement of Purpose:

To make various revisions to statutes governing Judicial Branch processes and procedures.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]