



General Assembly

February Session, 2024

***Raised Bill No. 5509***

LCO No. 3075

Referred to Committee on JUDICIARY

Introduced by:  
(JUD)

***AN ACT CONCERNING THE ENTICEMENT OF A MINOR TO COMMIT A CRIME, SEARCHES OF A MOTOR VEHICLE, THE PSYCHIATRIC SECURITY REVIEW BOARD AND VICTIMS' COMPENSATION.***

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

1 Section 1. Section 53a-225 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2024*):

3 (a) For purposes of this section, "criminal act" means criminal act, as  
4 defined in section 53a-224.

5 (b) A person is guilty of enticing a juvenile to commit a criminal act  
6 if such person is [twenty-three] twenty-one years of age or older and  
7 knowingly causes, encourages, solicits, recruits, intimidates or coerces a  
8 person under eighteen years of age to commit or participate in the  
9 commission of a criminal act.

10 (c) Enticing a juvenile to commit a criminal act is a (1) class A  
11 misdemeanor for first offense, and (2) class D felony for any subsequent  
12 offense.

13 Sec. 2. Section 54-33p of the general statutes is repealed and the  
14 following is substituted in lieu thereof (*Effective October 1, 2024*):

15 (a) Except as provided in subsection (c) of this section, the existence  
16 of any of the following circumstances shall not constitute in part or in  
17 whole probable cause or reasonable suspicion and shall not be used as  
18 a basis to support any stop or search of a person or motor vehicle:

19 (1) The odor of cannabis or burnt cannabis, except in the case of a stop  
20 or search of a motor vehicle when a law enforcement official reasonably  
21 expects there is a person under eighteen years of age in the motor  
22 vehicle;

23 (2) The possession of or the suspicion of possession of cannabis  
24 without evidence that the quantity of cannabis is or suspected to be in  
25 excess of five ounces of cannabis plant material, as defined in section  
26 21a-279a, or an equivalent amount of cannabis products or a  
27 combination of cannabis and cannabis products, as provided in  
28 subsection (i) of section 21a-279a; or

29 (3) The presence of cash or currency in proximity to cannabis without  
30 evidence that such cash or currency exceeds five hundred dollars.

31 (b) Any evidence discovered as a result of any stop or search  
32 conducted in violation of this section shall not be admissible in evidence  
33 in any trial, hearing or other proceeding in a court of this state.

34 (c) A law enforcement official may conduct a test for impairment  
35 based on the odor of cannabis or burnt cannabis if such official  
36 reasonably suspects the operator of violating section 14-227a, 14-227m  
37 or 14-227n.

38 (d) The provisions of this section shall not apply to a probation officer  
39 supervising a probationer who, as a condition of probation, is  
40 prohibited from using or possessing cannabis.

41 Sec. 3. Subsection (e) of section 17a-582 of the general statutes is  
42 repealed and the following is substituted in lieu thereof (*Effective October*

43 1, 2024):

44 (e) At the hearing, the court shall make a finding as to the mental  
45 condition of the acquittee and, considering that [its] the court's primary  
46 [concerns are] concern is the protection of society and the court's  
47 secondary concern is the safety and well-being of the acquittee, make  
48 one of the following orders:

49 (1) If the court finds that the acquittee is a person who should be  
50 confined or conditionally released, the court shall order the acquittee  
51 committed to the jurisdiction of the board and either confined in a  
52 hospital for psychiatric disabilities or placed with the Commissioner of  
53 Developmental Services, for custody, care and treatment pending a  
54 hearing before the board pursuant to section 17a-583; provided (A) the  
55 court shall fix a maximum term of commitment, not to exceed the  
56 maximum sentence that could have been imposed if the acquittee had  
57 been convicted of the offense, and (B) if there is reason to believe that  
58 the acquittee is a person who should be conditionally released, the court  
59 shall include in the order a recommendation to the board that the  
60 acquittee be considered for conditional release pursuant to subdivision  
61 (2) of section 17a-584, as amended by this act; or

62 (2) If the court finds that the acquittee is a person who should be  
63 discharged, the court shall order the acquittee discharged from custody.

64 Sec. 4. Section 17a-584 of the general statutes is repealed and the  
65 following is substituted in lieu thereof (*Effective October 1, 2024*):

66 At any hearing before the board considering the discharge,  
67 conditional release or confinement of the acquittee, except a hearing  
68 pursuant to section 17a-592 or subsection (d) of section 17a-593, the  
69 board shall make a finding as to the mental condition of the acquittee  
70 and, considering that [its] the board's primary [concerns are] concern is  
71 the protection of society and the board's secondary concern is the safety  
72 and well-being of the acquittee, shall do one of the following:

73 (1) If the board finds that the acquittee is a person who should be

74 discharged, it shall recommend such discharge to the court pursuant to  
75 section 17a-593.

76 (2) If the board finds that the acquittee is a person who should be  
77 conditionally released, the board shall order the acquittee conditionally  
78 released subject to such conditions as are necessary to prevent the  
79 acquittee from constituting a danger to himself or others.

80 (3) If the board finds that the acquittee is a person who should be  
81 confined, the board shall order the person confined in a hospital for  
82 psychiatric disabilities or placed with the Commissioner of  
83 Developmental Services for custody, care and treatment.

84 Sec. 5. Subsections (a) and (b) of section 17a-587 of the general statutes  
85 are repealed and the following is substituted in lieu thereof (*Effective*  
86 *October 1, 2024*):

87 (a) If at any time after the confinement of an acquittee in a hospital  
88 for psychiatric disabilities or the placement of an acquittee with the  
89 Commissioner of Developmental Services pursuant to order of the  
90 board, the superintendent of such hospital or said commissioner is of  
91 the opinion that the acquittee's psychiatric supervision and treatment  
92 would be advanced by permitting the acquittee to leave such hospital  
93 or the custody of said commissioner temporarily, the superintendent or  
94 said commissioner shall apply to the board for an order authorizing  
95 temporary leaves. The application shall include a statement of reasons  
96 in support thereof. The board shall send a copy of the application to the  
97 state's attorney. The board [may] shall order a hearing on the  
98 application. [and shall order such a hearing if the state's attorney files  
99 with the board a request therefor within ten days of his receipt of the  
100 application.] The board shall grant the application, subject to such  
101 conditions and supervision as the board may set in the order for  
102 temporary leave, if it concludes that the acquittee's temporary leave,  
103 under the conditions specified, would not constitute a danger to the  
104 acquittee or others. If the board grants such application, (1) the acquittee  
105 may be permitted to leave such hospital or the custody of said

106 commissioner temporarily, under the charge of [his] the acquittee's  
107 guardian, relatives or friends, [or by himself or herself,] at such times  
108 and under such conditions as the superintendent or said commissioner  
109 deems appropriate, unless the order of the board provides otherwise,  
110 and (2) the board shall notify the victim, as defined in section 17a-601,  
111 of the acquittee regarding such temporary leave.

112 (b) At any time after the confinement of an acquittee in a hospital for  
113 psychiatric disabilities or the placement of an acquittee with the  
114 Commissioner of Developmental Services, the acquittee, or another  
115 person acting on the acquittee's behalf, may apply to the board for an  
116 order of temporary leave. On receipt of the application, the board shall  
117 request that the superintendent of the hospital or said commissioner  
118 report on whether such superintendent or said commissioner is of the  
119 opinion that the acquittee should be granted temporary leave. The  
120 report shall include facts supporting such opinion. An application for  
121 temporary leave under this subsection shall not be filed more frequently  
122 than once every [six] twelve months from the date of the initial hearing  
123 held by the board pursuant to section 17a-583. The board shall not be  
124 required to hold a hearing on the first application made by an acquittee  
125 under this subsection any earlier than ninety days after the date of such  
126 initial hearing. Any hearing resulting from any subsequent application  
127 of the acquittee shall be held not less than thirty days but not more than  
128 ninety days after the date of the filing of such application. If the board  
129 grants an application made under this subsection, (1) the acquittee may  
130 be permitted to leave such hospital or the custody of said commissioner  
131 temporarily, under the charge of [his] the acquittee's guardian, relatives  
132 or friends, [or by himself or herself,] at such times and under such  
133 conditions as the superintendent or said commissioner deems  
134 appropriate, unless the order of the board provides otherwise, and (2)  
135 the board shall notify the victim, as defined in section 17a-601, regarding  
136 such temporary leave.

137 Sec. 6. Subsection (b) of section 17a-588 of the general statutes is  
138 repealed and the following is substituted in lieu thereof (*Effective October*  
139 *1, 2024*):

140 (b) At any time after the confinement of an acquittee in a hospital for  
141 psychiatric disabilities or the placement of an acquittee with the  
142 Commissioner of Developmental Services, the acquittee or another  
143 person acting on his behalf may apply to the board for an order of  
144 conditional release. On receipt of the application, the board shall request  
145 the superintendent of the hospital or said commissioner to report  
146 whether he is of the opinion that the acquittee is a person who should  
147 be conditionally released. The report shall set forth facts supporting the  
148 opinion. An application for conditional release under this subsection  
149 shall not be filed more often than once every [six] twelve months from  
150 the date of the initial board hearing held pursuant to section 17a-583.  
151 The board is not required to hold a hearing on a first application under  
152 this subsection any sooner than ninety days after the initial hearing.  
153 Hearings resulting from any subsequent requests shall be held within  
154 sixty days of the filing of the application.

155 Sec. 7. Subsection (f) of section 17a-596 of the general statutes is  
156 repealed and the following is substituted in lieu thereof (*Effective October*  
157 *1, 2024*):

158 (f) At any hearing before the board, the acquittee, or any applicant  
159 seeking an order less restrictive than the existing order, shall have the  
160 burden of proving by [a preponderance of the] clear and convincing  
161 evidence the existence of conditions warranting a less restrictive order.

162 Sec. 8. Section 54-201 of the general statutes is repealed and the  
163 following is substituted in lieu thereof (*Effective October 1, 2024*):

164 As used in sections 54-201 to 54-235, inclusive, as amended by this  
165 act:

166 (1) "Victim" means a person who is injured or killed as provided in  
167 section 54-209, as amended by this act, or a person who suffers financial  
168 loss or damages resulting from another person's violation of any  
169 provision of part IX of chapter 952;

170 (2) "Personal injury" means (A) actual bodily harm or emotional harm

171 and includes pregnancy and any condition thereof, or (B) injury or death  
172 to a service animal owned or kept by a person with a disability;

173 (3) "Dependent" means any relative of a deceased victim or a person  
174 designated by a deceased victim in accordance with section 1-56r who  
175 was wholly or partially dependent upon his income at the time of his  
176 death or the child of a deceased victim and shall include the child of  
177 such victim born after his death;

178 (4) "Relative" means a person's spouse, parent, grandparent,  
179 stepparent, aunt, uncle, niece, nephew, child, including a natural born  
180 child, stepchild and adopted child, grandchild, brother, sister, half  
181 brother or half sister or a parent of a person's spouse;

182 (5) "Crime" means any act which is a felony, as defined in section 53a-  
183 25, or misdemeanor, as defined in section 53a-26, and includes any crime  
184 committed by a juvenile; and

185 (6) "Emotional harm" means a mental or emotional impairment that  
186 requires treatment through services and that is directly attributable to a  
187 threat of (A) physical injury, as defined in subdivision (3) of section 53a-  
188 3, or (B) death to the affected person.

189 Sec. 9. Subsection (b) of section 54-204 of the general statutes is  
190 repealed and the following is substituted in lieu thereof (*Effective October*  
191 *1, 2024*):

192 (b) In order to be eligible for compensation services under sections  
193 54-201 to 54-218, inclusive, as amended by this act, the applicant shall,  
194 prior to a determination on any application made pursuant to sections  
195 54-201 to 54-218, inclusive, as amended by this act, submit reports if  
196 reasonably available from all physicians, surgeons, physician assistants,  
197 advanced practice registered nurses or mental health professionals who  
198 have treated or examined the victim in relation to the injury for which  
199 compensation is claimed at the time of or subsequent to the victim's  
200 injury or death, or in the case of financial loss or damages resulting from  
201 another person's violation of any provision of part IX of chapter 952,

202 records, receipts or pictures evidencing the value of any item damaged,  
203 destroyed or stolen. If in the opinion of the Office of Victim Services or,  
204 on review, a victim compensation commissioner, reports on the  
205 previous medical history of the victim, examination of the injured victim  
206 and a report thereon or a report on the cause of death of the victim by  
207 an impartial medical expert would be of material aid to its just  
208 determination, said office or commissioner shall order such reports and  
209 examinations. Any information received which is confidential in  
210 accordance with any provision of the general statutes shall remain  
211 confidential while in the custody of the Office of Victim Services or a  
212 victim compensation commissioner.

213 Sec. 10. Section 54-208 of the general statutes is repealed and the  
214 following is substituted in lieu thereof (*Effective October 1, 2024*):

215 (a) If a person suffers a financial loss or damages or personal injury  
216 or is killed as provided in section 54-209, as amended by this act, the  
217 Office of Victim Services or, on review, a victim compensation  
218 commissioner may order the payment of compensation in accordance  
219 with the provisions of sections 54-201 to 54-218, inclusive, as amended  
220 by this act: (1) To or for the benefit of the injured person; (2) in the case  
221 of personal injury of the victim, to any person responsible for the care of  
222 the victim who has suffered pecuniary loss as a result of such injury; (3)  
223 in the case of death of the victim, to or for the benefit of any one or more  
224 of the dependents of the victim, including any dependent child of a  
225 homicide victim who was killed by the other parent or to any person  
226 who has suffered pecuniary loss, including, but not limited to, funeral  
227 expenses, as a result of such death; (4) to any person who has suffered a  
228 financial loss or damages resulting from another person's violation of  
229 any provision of part IX of chapter 952, or [(4)] (5) to any person who  
230 has suffered a pecuniary loss due to a crime scene cleanup.

231 (b) For the purposes of sections 54-201 to 54-218, inclusive, as  
232 amended by this act, a person shall be deemed to have intended an act  
233 notwithstanding that, by reason of age, insanity, drunkenness or  
234 otherwise, such person was legally incapable of forming a criminal



235 intent.

236 (c) In determining whether to make an order under this section, the  
237 Office of Victim Services or, on review, a victim compensation  
238 commissioner shall consider all circumstances determined to be  
239 relevant, including, but not limited to, provocation, consent or any other  
240 behavior of the victim which directly or indirectly contributed to such  
241 victim's injury or death or financial loss or damages, the extent of the  
242 victim's cooperation in investigating the application and the extent of  
243 the victim's cooperation with law enforcement agencies in their efforts  
244 to apprehend and prosecute the offender, and any other relevant  
245 matters.

246 (d) An order may be made under this section whether or not any  
247 person is prosecuted or convicted of any offense arising out of such act.

248 (e) In determining the amount of compensation to be allowed, the  
249 Office of Victim Services or, on review, a victim compensation  
250 commissioner, shall take into consideration any amounts that the  
251 applicant has received or is eligible to receive from any other source or  
252 sources, including, but not limited to, payments from state and  
253 municipal agencies, insurance benefits, and workers' compensation  
254 awards, as a result of the incident or offense giving rise to the  
255 application. For the purposes of this section, life insurance benefits or  
256 property insurance benefits received by the applicant shall not be taken  
257 into consideration by the Office of Victim Services or a victim  
258 compensation commissioner. In a case involving circumstances under  
259 which a victim of domestic violence, sexual assault or child abuse, or a  
260 claimant in such a case, believes that the dissemination of treatment  
261 information associated with a health insurance claim would cause  
262 undue harm, the Office of Victim Services may waive the consideration  
263 of health insurance as a collateral source.

264 (f) Payments shall be made in a manner to be determined by the  
265 Office of Victim Services, including, but not limited to, lump sum or  
266 periodic payments. If an award is not claimed by the applicant within

267 forty-five days after notice of the award, the Office of Victim Services  
268 may administratively close such award or may order payments from  
269 such award to health care providers or victim service providers and  
270 administratively close any remaining amount of such award.

271 Sec. 11. Section 54-209 of the general statutes is repealed and the  
272 following is substituted in lieu thereof (*Effective October 1, 2024*):

273 (a) (1) The Office of Victim Services or, on review, a victim  
274 compensation commissioner, may order the payment of compensation  
275 in accordance with the provisions of sections 54-201 to 54-218, inclusive,  
276 as amended by this act, for personal injury or death which resulted  
277 from: [(1)] (A) An attempt to prevent the commission of crime or to  
278 apprehend a suspected criminal or in aiding or attempting to aid a  
279 police officer so to do, [(2)] (B) the commission or attempt to commit by  
280 another of any crime as provided in section 53a-24, [(3)] (C) any crime  
281 that occurred outside the territorial boundaries of the United States that  
282 would be considered a crime within this state, provided the victim of  
283 such crime is a resident of this state, [(4)] (D) any crime involving  
284 international terrorism as defined in 18 USC 2331, as amended from  
285 time to time, or [(5)] (E) an incident of child abuse substantiated by the  
286 Department of Children and Families on or after October 1, 2022,  
287 provided the individual determined by said department to be  
288 responsible for the abuse of the child pursuant to section 17a-101g is  
289 placed on the department's child abuse and neglect registry established  
290 pursuant to section 17a-101k.

291 (2) The Office of Victim Services or, on review, a victim compensation  
292 commissioner, may order the payment of compensation in accordance  
293 with the provisions of sections 54-201 to 54-218, inclusive, as amended  
294 by this act, for financial loss or damages resulting from another person's  
295 violation of any provision of part IX of chapter 952.

296 (b) The Office of Victim Services or, on review, a victim compensation  
297 commissioner, may also order the payment of compensation in  
298 accordance with the provisions of sections 54-201 to 54-218, inclusive, as

299 amended by this act, for personal injury or death that resulted from the  
300 operation of a motor vehicle, water vessel, snow mobile or all-terrain  
301 vehicle by another person who was subsequently convicted with respect  
302 to such operation for a violation of subsection (a) or subdivision (1) of  
303 subsection (b) of section 14-224, section 14-227a or 14-227m, subdivision  
304 (1) or (2) of subsection (a) of section 14-227n, subdivision (3) of section  
305 14-386a or section 15-132a, 15-140l, 15-140n, 53a-56b or 53a-60d. In the  
306 absence of a conviction, the Office of Victim Services or, on review, a  
307 victim compensation commissioner, may order payment of  
308 compensation under this section if, upon consideration of all  
309 circumstances determined to be relevant, the office or commissioner, as  
310 the case may be, reasonably concludes that another person has operated  
311 a motor vehicle in violation of subsection (a) or subdivision (1) of  
312 subsection (b) of section 14-224, section 14-227a or 14-227m, subdivision  
313 (1) or (2) of subsection (a) of section 14-227n, subdivision (3) of section  
314 14-386a or section 15-132a, 15-140l, 15-140n, 53a-56b or 53a-60d.

315 (c) Except as provided in subsection (b) of this section, no act  
316 involving the operation of a motor vehicle which results in injury shall  
317 constitute a crime for the purposes of sections 54-201 to 54-218,  
318 inclusive, as amended by this act, unless the injuries were intentionally  
319 inflicted through the use of the vehicle.

320 (d) In instances where a violation of section 53a-70b of the general  
321 statutes, revision of 1958, revised to January 1, 2019, or section 53-21,  
322 53a-70, 53a-70a, 53a-70c, 53a-71, 53a-72a, 53a-72b, 53a-73a, 53a-82, 53a-  
323 83b, 53a-90a, 53a-192a, 53a-196, 53a-196a, 53a-196b or 53a-196i, or family  
324 violence, as defined in section 46b-38a, has been alleged, the Office of  
325 Victim Services or, on review, a victim compensation commissioner,  
326 may order compensation be paid if (1) the personal injury has been  
327 disclosed to: (A) A physician or surgeon licensed under chapter 370; (B)  
328 a resident physician or intern in any hospital in this state, whether or  
329 not licensed; (C) a physician assistant licensed under chapter 370; (D) an  
330 advanced practice registered nurse, registered nurse or practical nurse  
331 licensed under chapter 378; (E) a psychologist licensed under chapter  
332 383; (F) a police officer; (G) a mental health professional; (H) an

333 emergency medical services provider licensed or certified under chapter  
 334 368d; (I) an alcohol and drug counselor licensed or certified under  
 335 chapter 376b; (J) a marital and family therapist licensed under chapter  
 336 383a; (K) a domestic violence counselor or a sexual assault counselor, as  
 337 defined in section 52-146k; (L) a professional counselor licensed under  
 338 chapter 383c; (M) a clinical social worker licensed under chapter 383b;  
 339 (N) an employee of the Department of Children and Families; (O) an  
 340 employee of a children's advocacy center, as defined in section 17a-106a;  
 341 or (P) a school principal, a school teacher, a school guidance counselor  
 342 or a school counselor, or (2) the personal injury is reported in an  
 343 application for a restraining order under section 46b-15 or an  
 344 application for a civil protection order under section 46b-16a or on the  
 345 record to the court, provided such restraining order or civil protection  
 346 order was granted in the Superior Court following a hearing, and (3) the  
 347 office or commissioner, as the case may be, reasonably concludes that a  
 348 violation of any of said sections has occurred.

349 (e) Evidence of an order for the payment of compensation by the  
 350 Office of Victim Services or a victim compensation commissioner in  
 351 accordance with the provisions of sections 54-201 to 54-218, inclusive, as  
 352 amended by this act, shall not be admissible in any civil proceeding to  
 353 prove the liability of any person for such personal injury or death or in  
 354 any criminal proceeding to prove the guilt or innocence of any person  
 355 for any crime.

|   |                        |                    |
|---|------------------------|--------------------|
| This act shall take effect as follows and shall amend the following sections: |                        |                    |
| Section 1   | <i>October 1, 2024</i> | 53a-225            |
| Sec. 2  | <i>October 1, 2024</i> | 54-33p             |
| Sec. 3  | <i>October 1, 2024</i> | 17a-582(e)         |
| Sec. 4  | <i>October 1, 2024</i> | 17a-584            |
| Sec. 5  | <i>October 1, 2024</i> | 17a-587(a) and (b) |
| Sec. 6  | <i>October 1, 2024</i> | 17a-588(b)         |
| Sec. 7  | <i>October 1, 2024</i> | 17a-596(f)         |
| Sec. 8  | <i>October 1, 2024</i> | 54-201             |
| Sec. 9  | <i>October 1, 2024</i> | 54-204(b)          |

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|         |                        |        |
|---------|------------------------|--------|
| Sec. 10 | <i>October 1, 2024</i> | 54-208 |
| Sec. 11 | <i>October 1, 2024</i> | 54-209 |

**Statement of Purpose:**

To (1) lower the age of the actor from twenty-three to twenty-one years for the offense of enticing a juvenile to commit a criminal act, (2) allow a law enforcement official to use the odor of cannabis as a basis to support an investigatory stop of a motor vehicle or search of a motor vehicle or person in a motor vehicle in cases where such official reasonably expects there is a minor under the age of eighteen years in such motor vehicle, (3) amend provisions concerning the Psychiatric Security Review Board to (A) provide that in adjudications regarding acquittees, the "protection of society" shall be the primary concern, (B) extend the waiting period governing when applications for temporary leave or conditional release may be filed from six months, to twelve months, (C) require the board to hold a hearing on all applications for temporary leave, (D) prohibit an acquittee who is granted temporary leave from being released from custody without supervision, and (E) require the board to use the evidentiary standard of clear and convincing evidence when an acquittee or applicant seeks an order less restrictive than the existing order, and (4) expand eligibility to the victim compensation fund to victims of motor vehicle theft and other property crimes.

*[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.]*