



General Assembly

January Session, 2019

Raised Bill No. 1055

LCO No. 5695



Referred to Committee on JUDICIARY

Introduced by:
(JUD)

AN ACT ESTABLISHING A TASK FORCE TO STUDY THE JUROR SELECTION PROCESS, PROVIDING ACCESS TO CERTAIN RECORDS POSSESSED BY THE DEPARTMENT OF MENTAL HEALTH AND ADDICTION SERVICES, CONNECTICUT VALLEY HOSPITAL AND THE PSYCHIATRIC SECURITY REVIEW BOARD AND CONCERNING SENTENCING OF PERSISTENT LARCENY OFFENDERS AND NONFINANCIAL CONDITIONS FOR PRETRIAL RELEASE.

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

- 1 Section 1. (*Effective from passage*) (a) There is established a task force
2 to study jury selection in the state to determine whether processes
3 currently in place result in a fair cross-section of the community being
4 summoned for jury duty and whether a fair cross-section of the
5 community appear for jury service. In connection with such study, the
6 task force may (1) collect statistics and conduct data analysis of jurors
7 appearing for jury service, (2) review juror selection processes and
8 procedures utilized in other jurisdictions, and (3) conduct research that
9 is consistent with the objectives of the study. Such study shall be
10 undertaken with the objective of ensuring that the state's juror
11 selection processes encompass a full and fair representation of the

12 community at large.

13 (b) The task force shall consist of the following members:

14 (1) The Chief Court Administrator, or the Chief Court
15 Administrator's designee;

16 (2) The Chief State's Attorney, or the Chief State's Attorney's
17 designee;

18 (3) The Chief Public Defender, or the Chief Public Defender's
19 designee;

20 (4) The Attorney General, or the Attorney General's designee;

21 (5) The Jury Administrator, or the Jury Administrator's designee;

22 (6) The president of the Connecticut Bar Association, or the
23 president's designee;

24 (7) The president of the South Asian Bar Association of Connecticut,
25 or the president's designee;

26 (8) The president of the George W. Crawford Black Bar Association,
27 or the president's designee;

28 (9) The president of the Connecticut Hispanic Bar Association, or
29 the president's designee;

30 (10) The president of the Connecticut Asian Pacific American Bar
31 Association, or the president's designee;

32 (11) The president of the Portuguese Bar Association of Connecticut,
33 or the president's designee;

34 (12) The president of the Connecticut Italian-American Bar
35 Association, or the president's designee; and

36 (13) The deans of The University of Connecticut School of Law,
37 Quinnipiac University School of Law and Yale Law School, or their

38 respective designees.

39 (c) All appointments to the task force shall be made not later than
40 thirty days after the effective date of this section. Any vacancy shall be
41 filled by the appointing authority.

42 (d) The Chief Court Administrator shall select the chairpersons of
43 the task force from among the members of the task force. Such
44 chairpersons shall schedule the first meeting of the task force, which
45 shall be held not later than sixty days after the effective date of this
46 section.

47 (e) The administrative staff of the joint standing committee of the
48 General Assembly having cognizance of matters relating to the
49 judiciary shall serve as administrative staff of the task force.

50 (f) Not later than July 1, 2020, the task force shall report on its
51 findings and recommendations to the joint standing committee of the
52 General Assembly having cognizance of matters relating to the
53 judiciary and to the Chief Court Administrator, in accordance with the
54 provisions of section 11-4a of the general statutes. Such
55 recommendations may include statutory revisions that would enhance
56 the representativeness of the juror array. The task force shall terminate
57 on the date that it submits such report or July 1, 2020, whichever is
58 later.

59 Sec. 2. (NEW) (*Effective October 1, 2019*) (a) Notwithstanding any
60 provision of the general statutes concerning the confidentiality of any
61 record, information and media recording relating to the Department of
62 Mental Health and Addiction Services, Connecticut Valley Hospital or
63 the Psychiatric Security Review Board, (1) any media recording of an
64 acquittee, as defined in section 17a-580 of the general statutes, at the
65 Connecticut Valley Hospital or at any other facility that is operated or
66 administered by, or under a contractual arrangement with, the
67 Department of Mental Health and Addiction Services or the
68 Psychiatric Security Review Board shall be disclosable to the counsel
69 for the acquittee with the acquittee's consent, and (2) any record

70 maintained by said department, hospital or board concerning the
71 acquittee shall be disclosable to the counsel for the acquittee with the
72 acquittee's consent.

73 (b) As used in this section, "media recording", includes, but is not
74 limited to, a still or electronically stored photograph, a security camera
75 video, a compact disc, a digital video disc, a flash drive recording, a
76 cell phone audio or video recording, an audio or a video recording that
77 is stored on a mobile electronic device, and any other electronic media
78 form, whether stored locally or remotely.

79 Sec. 3. Section 53a-40 of the general statutes is repealed and the
80 following is substituted in lieu thereof (*Effective October 1, 2019*):

81 (a) A persistent dangerous felony offender is a person who:

82 (1) (A) Stands convicted of manslaughter, arson, kidnapping,
83 robbery in the first or second degree, assault in the first degree, home
84 invasion, burglary in the first degree or burglary in the second degree
85 with a firearm, and (B) has been, prior to the commission of the present
86 crime, convicted of and imprisoned under a sentence to a term of
87 imprisonment of more than one year or of death, in this state or in any
88 other state or in a federal correctional institution, for any of the
89 following crimes: (i) The crimes enumerated in subparagraph (A) of
90 this subdivision or an attempt to commit any of said crimes; or (ii)
91 murder, sexual assault in the first or third degree, aggravated sexual
92 assault in the first degree or sexual assault in the third degree with a
93 firearm, or an attempt to commit any of said crimes; or (iii) prior to
94 October 1, 1975, any of the crimes enumerated in section 53a-72, 53a-75
95 or 53a-78 of the general statutes, revision of 1958, revised to 1975, or
96 prior to October 1, 1971, in this state, assault with intent to kill under
97 section 54-117, or any of the crimes enumerated in sections 53-9, 53-10,
98 53-11, 53-12 to 53-16, inclusive, 53-19, 53-21, 53-69, 53-78 to 53-80,
99 inclusive, 53-82, 53-83, 53-86, 53-238 and 53-239 of the general statutes,
100 revision of 1958, revised to 1968, or any predecessor statutes in this
101 state, or an attempt to commit any of said crimes; or (iv) in any other

102 state, any crimes the essential elements of which are substantially the
103 same as any of the crimes enumerated in subparagraph (A) of this
104 subdivision or this subparagraph; or

105 (2) (A) Stands convicted of sexual assault in the first or third degree,
106 aggravated sexual assault in the first degree or sexual assault in the
107 third degree with a firearm, and (B) has been, prior to the commission
108 of the present crime, convicted of and imprisoned under a sentence to
109 a term of imprisonment of more than one year or of death, in this state
110 or in any other state or in a federal correctional institution, for any of
111 the following crimes: (i) Murder, manslaughter, arson, kidnapping,
112 robbery in the first or second degree, assault in the first degree, home
113 invasion, burglary in the first degree or burglary in the second degree
114 with a firearm, or an attempt to commit any of said crimes; or (ii) prior
115 to October 1, 1971, in this state, assault with intent to kill under section
116 54-117, or any of the crimes enumerated in sections 53-9, 53-10, 53-11,
117 53-12 to 53-16, inclusive, 53-19, 53-21, 53-69, 53-78 to 53-80, inclusive,
118 53-82, 53-83 and 53-86 of the general statutes, revision of 1958, revised
119 to 1968, or any predecessor statutes in this state, or an attempt to
120 commit any of said crimes; or (iii) in any other state, any crimes the
121 essential elements of which are substantially the same as any of the
122 crimes enumerated in subparagraph (A) of this subdivision or this
123 subparagraph.

124 (b) A persistent dangerous sexual offender is a person who (1)
125 stands convicted of sexual assault in the first or third degree,
126 aggravated sexual assault in the first degree or sexual assault in the
127 third degree with a firearm, and (2) has been, prior to the commission
128 of the present crime, convicted of and imprisoned under a sentence to
129 a term of imprisonment of more than one year, in this state or in any
130 other state or in a federal correctional institution, for (A) any of the
131 crimes enumerated in subdivision (1) of this subsection, or (B) prior to
132 October 1, 1975, any of the crimes enumerated in section 53a-72, 53a-75
133 or 53a-78 of the general statutes, revision of 1958, revised to 1975, or
134 prior to October 1, 1971, in this state, any of the crimes enumerated in
135 section 53-238 or 53-239 of the general statutes, revision of 1958,

136 revised to 1968, or any predecessor statutes in this state, or an attempt
137 to commit any of said crimes, or (C) in any other state, any crimes the
138 essential elements of which are substantially the same as any of the
139 crimes enumerated in subdivision (1) of this subsection or this
140 subdivision.

141 (c) A persistent serious felony offender is a person who (1) stands
142 convicted of a felony, and (2) has been, prior to the commission of the
143 present felony, convicted of and imprisoned under an imposed term of
144 more than one year or of death, in this state or in any other state or in a
145 federal correctional institution, for a crime. This subsection shall not
146 apply where the present conviction is for a crime enumerated in
147 subdivision (1) of subsection (a) of this section and the prior conviction
148 was for a crime other than those enumerated in subsection (a) of this
149 section.

150 (d) A persistent serious sexual offender is a person, other than a
151 person who qualifies as a persistent dangerous sexual offender under
152 subsection (b) of this section, who qualifies as a persistent serious
153 felony offender under subsection (c) of this section and the felony of
154 which such person presently stands convicted is a violation of
155 subdivision (2) of subsection (a) of section 53-21, or section 53a-70, 53a-
156 70a, 53a-70b, 53a-71, 53a-72a or 53a-72b and the prior conviction is for
157 a violation of section 53-21 of the general statutes, revised to January 1,
158 1995, involving sexual contact, committed prior to October 1, 1995, a
159 violation of subdivision (2) of section 53-21 of the general statutes,
160 committed on or after October 1, 1995, and prior to October 1, 2000, a
161 violation of subdivision (2) of subsection (a) of section 53-21 or a
162 violation of section 53a-70, 53a-70a, 53a-70b, 53a-71, 53a-72a or 53a-72b.

163 (e) A persistent larceny offender is a person who (1) stands
164 convicted of larceny in the third degree in violation of the provisions of
165 section 53a-124 in effect prior to October 1, 1982, or larceny in the
166 fourth, fifth or sixth degree, and (2) has been, at separate times, [prior
167 to the commission of the present larceny,] twice convicted of the crime
168 of larceny for violations committed during the ten years prior to the

169 commission of the present larceny.

170 (f) A persistent offender for possession of a controlled substance is a
171 person who (1) stands convicted of possession of a controlled
172 substance in violation of the provisions of section 21a-279, and (2) has
173 been, at separate times prior to the commission of the present
174 possession of a controlled substance, twice convicted of the crime of
175 possession of a controlled substance.

176 (g) A persistent felony offender is a person who (1) stands convicted
177 of a felony other than a class D felony, and (2) has been, at separate
178 times prior to the commission of the present felony, twice convicted of
179 a felony other than a class D felony.

180 (h) It shall be an affirmative defense to the charge of being a
181 persistent offender under this section that (1) as to any prior conviction
182 on which the state is relying the defendant was pardoned on the
183 ground of innocence, and (2) without such conviction, the defendant
184 was not two or more times convicted and imprisoned as required by
185 this section.

186 (i) When any person has been found to be a persistent dangerous
187 felony offender, the court, in lieu of imposing the sentence of
188 imprisonment authorized by the general statutes for the crime of
189 which such person presently stands convicted, shall (1) sentence such
190 person to a term of imprisonment that is not (A) less than twice the
191 minimum term of imprisonment authorized for such crime or (B) more
192 than twice the maximum term of imprisonment authorized for such
193 crime or forty years, whichever is greater, provided, if a mandatory
194 minimum term of imprisonment is authorized for such crime, such
195 sentence shall include a mandatory minimum term of imprisonment
196 that is twice such authorized mandatory minimum term of
197 imprisonment, and (2) if such person has, at separate times prior to the
198 commission of the present crime, been twice convicted of and
199 imprisoned for any of the crimes enumerated in subsection (a) of this
200 section, sentence such person to a term of imprisonment that is not less

201 than three times the minimum term of imprisonment authorized for
202 such crime or more than life, provided, if a mandatory minimum term
203 of imprisonment is authorized for such crime, such sentence shall
204 include a mandatory minimum term of imprisonment that is three
205 times such authorized mandatory minimum term of imprisonment.

206 (j) When any person has been found to be a persistent dangerous
207 sexual offender, the court, in lieu of imposing the sentence of
208 imprisonment authorized by section 53a-35a for the crime of which
209 such person presently stands convicted, shall sentence such person to a
210 term of imprisonment and a period of special parole pursuant to
211 subsection (b) of section 53a-28 which together constitute a sentence of
212 imprisonment for life, as defined in section 53a-35b.

213 (k) When any person has been found to be a persistent serious
214 felony offender, the court in lieu of imposing the sentence of
215 imprisonment authorized by section 53a-35 for the crime of which such
216 person presently stands convicted, or authorized by section 53a-35a if
217 the crime of which such person presently stands convicted was
218 committed on or after July 1, 1981, may impose the sentence of
219 imprisonment authorized by said section for the next more serious
220 degree of felony.

221 (l) When any person has been found to be a persistent serious sexual
222 offender, the court, in lieu of imposing the sentence of imprisonment
223 authorized by section 53a-35a for the crime of which such person
224 presently stands convicted, may impose a sentence of imprisonment
225 and a period of special parole pursuant to subsection (b) of section 53a-
226 28 which together constitute the maximum sentence specified by
227 section 53a-35a for the next more serious degree of felony.

228 (m) [When] (1) Except as provided in subdivision (2) of this
229 subsection, when any person has been found to be a persistent larceny
230 offender, the court, in lieu of imposing the sentence authorized by
231 section 53a-36 for the crime of which such person presently stands
232 convicted, may impose the sentence of imprisonment for a class D

233 felony authorized by section 53a-35, if the crime of which such person
 234 presently stands convicted was committed prior to July 1, 1981, or
 235 authorized by section 53a-35a, if the crime of which such person
 236 presently stands convicted was committed on or after July 1, 1981, but
 237 prior to October 1, 2019.

238 (2) Except as provided in subdivision (1) of this subsection, when
 239 any person has been found to be a persistent larceny offender, the
 240 court, in lieu of imposing the sentence authorized by section 53a-36 for
 241 the crime of which such person presently stands convicted for a
 242 violation committed on or after October 1, 2019, may impose the
 243 sentence of (A) imprisonment for a class E felony authorized by section
 244 53a-35a, if such person presently stands convicted of a violation of
 245 section 53a-125, or (B) imprisonment authorized by section 53a-36 for
 246 the next more serious degree of misdemeanor authorized under
 247 section 53a-36 if such person presently stands convicted of a violation
 248 of section 53a-125a or 53a-125b.

249 (n) When any person has been found to be a persistent offender for
 250 possession of a controlled substance, the court, in lieu of imposing the
 251 sentence authorized by section 53a-36 for the crime of which such
 252 person presently stands convicted, may impose the sentence of
 253 imprisonment for a class E felony authorized by section 53a-35a.

254 (o) When any person has been found to be a persistent felony
 255 offender, the court, in lieu of imposing the sentence authorized by
 256 section 53a-35a for the crime of which such person presently stands
 257 convicted, may impose the sentence of imprisonment authorized by
 258 said section for the next more serious degree of felony; provided the
 259 sentence imposed may not be less than three years, and provided
 260 further three years of the sentence so imposed may not be suspended
 261 or reduced by the court.

262 (p) (1) Whenever a person is arrested for any of the crimes
 263 enumerated in subsection (a) of this section, the prosecuting authority
 264 shall investigate and ascertain whether such person has, at separate

265 times prior to the commission of the present crime, been twice
266 convicted of and imprisoned for any of the crimes enumerated in said
267 subsection (a) and would be eligible to be sentenced under subsection
268 (i) of this section if convicted of such crime.

269 (2) If the prosecuting authority ascertains that such person has, at
270 separate times prior to the commission of the present crime, been twice
271 convicted of and imprisoned for any of the crimes enumerated in
272 subsection (a) of this section and such person has been presented to a
273 geographical area courthouse, the prosecuting authority shall cause
274 such person to be transferred to a judicial district courthouse. This
275 subdivision shall not apply to any person charged with larceny in the
276 third, fourth, fifth or sixth degree for the present crime committed on
277 or after October 1, 2019.

278 (3) No court shall accept a plea of guilty, not guilty or nolo
279 contendere from a person arrested for any of the crimes enumerated in
280 subsection (a) of this section unless it finds that the prosecuting
281 authority has complied with the requirements of subdivision (1) of this
282 subsection.

283 (4) If the prosecuting authority ascertains that such person has, at
284 separate times prior to the commission of the present crime, been twice
285 convicted of and imprisoned for any of the crimes enumerated in
286 subsection (a) of this section but decides not to initiate proceedings to
287 seek the sentence enhancement provided by subsection (i) of this
288 section, the prosecuting authority shall state for the record the specific
289 reason or reasons for not initiating such proceedings.

290 (5) If the prosecuting authority ascertains that such person has, at
291 separate times prior to the commission of the present crime, been twice
292 convicted of and imprisoned for any of the crimes enumerated in
293 subsection (a) of this section and initiates proceedings to seek the
294 sentence enhancement provided by subsection (i) of this section, but
295 subsequently decides to terminate such proceedings, the prosecuting
296 authority shall state for the record the specific reason or reasons for

297 terminating such proceedings.

298 Sec. 4. Subsection (c) of section 54-64a of the general statutes is
 299 repealed and the following is substituted in lieu thereof (*Effective*
 300 *October 1, 2019*):

301 (c) If the court determines that a nonfinancial condition of release
 302 should be imposed pursuant to subparagraph (B) of subdivision (1) of
 303 subsection (a) or (b) of this section, the court shall order the pretrial
 304 release of the person subject to the least restrictive condition or
 305 combination of conditions that the court determines will reasonably
 306 ensure the appearance of the arrested person in court and, with respect
 307 to the release of the person pursuant to subsection (b) of this section,
 308 that the safety of any other person will not be endangered, which
 309 conditions may include an order that the arrested person do one or
 310 more of the following: (1) Remain under the supervision of a
 311 designated person or organization; (2) comply with specified
 312 restrictions on such person's travel, association or place of abode; (3)
 313 not engage in specified activities, including the use or possession of a
 314 dangerous weapon; [an intoxicant or a controlled substance;] (4)
 315 provide sureties of the peace pursuant to section 54-56f under
 316 supervision of a designated bail commissioner or intake, assessment
 317 and referral specialist employed by the Judicial Branch; (5) avoid all
 318 contact with an alleged victim of the crime and with a potential
 319 witness who may testify concerning the offense; (6) maintain
 320 employment or, if unemployed, actively seek employment; (7)
 321 maintain or commence an educational program; (8) be subject to
 322 electronic monitoring; or (9) satisfy any other condition that is
 323 reasonably necessary to ensure the appearance of the person in court
 324 and that the safety of any other person will not be endangered. The
 325 court shall state on the record its reasons for imposing any such
 326 nonfinancial condition.

This act shall take effect as follows and shall amend the following sections:		
Section 1	from passage	New section

Section 1	from passage	New section
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Sec. 2	<i>October 1, 2019</i>	New section
Sec. 3	<i>October 1, 2019</i>	53a-40
Sec. 4	<i>October 1, 2019</i>	54-64a(c)

Statement of Purpose:

To: (1) Establish a task force to study the juror selection process, (2) provide access to certain records, information and media recordings in the possession of the Department of Mental Health and Addiction Services, Connecticut Valley Hospital or the Psychiatric Security Review Board, (3) modify sentence enhancements for persistent larceny offenders, and (4) modify nonfinancial conditions of release that a court may impose in the case of a bailable offense.

[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.]