



General Assembly

Amendment

January Session, 2021

LCO No. 9414



Offered by:

SEN. LOONEY, 11th Dist.
SEN. DUFF, 25th Dist.
SEN. WINFIELD, 10th Dist.
REP. STAFSTROM, 129th Dist.
REP. FISHBEIN, 90th Dist.

To: Subst. Senate Bill No. 1093

File No. 593

Cal. No. 343

**"AN ACT CONCERNING CIVILIAN POLICE REVIEW BOARDS,
SECURITY GUARDS, BODY-WORN RECORDING EQUIPMENT AND
SEARCHES BY POLICE."**

1 Strike section 7 in its entirety and renumber the remaining sections
2 and internal references accordingly

3 After the last section, add the following and renumber sections and
4 internal references accordingly:

5 "Sec. 501. Subdivision (2) of subsection (e) of section 54-142a of the
6 general statutes, as amended by section 3 of senate bill 1019 of the
7 current session, as amended by Senate Amendment Schedule "A", is
8 repealed and the following is substituted in lieu thereof (*Effective January*
9 *1, 2023*):

10 (2) Convictions for the following offenses shall not be eligible for

11 erasure pursuant to this subsection:

12 (A) Any conviction designated as a family violence crime, as defined
13 in section 46b-38a; [or]

14 (B) Any conviction for an offense that is a nonviolent sexual offense
15 or a sexually violent offense, each as defined in section 54-250; [.]

16 (C) Any conviction for a class D felony offense that is a violation of
17 section 53a-60a, 53a-60b, 53a-60c, 53a-64bb, 53a-72a, 53a-90a, 53a-103a,
18 53a-181c, 53a-191, 53a-196, 53a-196f, 53a-211, 53a-216, 53a-217a, 53a-322,
19 54-251, 54-252, 54-253 or 54-254 or subdivision (1) of subsection (a) of
20 section 53a-189a;

21 (D) Any conviction for a class A misdemeanor offense that is a
22 violation of section 53a-61a, 53a-64cc or 53a-323; or

23 (E) Any conviction for an offense for which the defendant has not
24 served or completed serving the sentence imposed for such offense,
25 including any period of incarceration, special parole, parole or
26 probation, unless and until the applicable time period prescribed in
27 subdivision (1) of this subsection has elapsed and the defendant has
28 completed serving such sentence.

29 Sec. 502. Subsection (c) of section 7-294d of the general statutes is
30 repealed and the following is substituted in lieu thereof (*Effective October*
31 *1, 2021*):

32 (c) (1) The council may refuse to renew any certificate if the holder
33 fails to meet the requirements for renewal of his or her certification.

34 (2) The council may cancel or revoke any certificate if: (A) The
35 certificate was issued by administrative error, (B) the certificate was
36 obtained through misrepresentation or fraud, (C) the holder falsified
37 any document in order to obtain or renew any certificate, (D) the holder
38 has been convicted of a felony, (E) the holder has been found not guilty
39 of a felony by reason of mental disease or defect pursuant to section 53a-
40 13, (F) the holder has been convicted of a violation of section 21a-279,

41 (G) the holder has been refused issuance of a certificate or similar
42 authorization or has had his or her certificate or other authorization
43 cancelled or revoked by another jurisdiction on grounds which would
44 authorize cancellation or revocation under the provisions of this
45 subdivision, (H) the holder has been found by a law enforcement unit,
46 pursuant to procedures established by such unit, to have used a firearm
47 in an improper manner which resulted in the death or serious physical
48 injury of another person, (I) the holder has been found by a law
49 enforcement unit, pursuant to procedures established by such unit and
50 considering guidance developed under subsection (g) of this section, to
51 have engaged in conduct that undermines public confidence in law
52 enforcement, including, but not limited to, discriminatory conduct,
53 falsification of reports, issuances of orders that are not lawful orders or
54 a violation of the Alvin W. Penn Racial Profiling Prohibition Act
55 pursuant to sections 54-11 and 54-1m, provided, when evaluating any
56 such conduct, the council considers such conduct engaged in while the
57 holder is acting in such holder's law enforcement capacity or
58 representing himself or herself to be a police officer to be more serious
59 than such conduct engaged in by a holder not acting in such holder's
60 law enforcement capacity or representing himself or herself to be a
61 police officer; (J) the holder has been found by a law enforcement unit,
62 pursuant to procedures established by such unit, to have used physical
63 force on another person in a manner that is excessive or used physical
64 force in a manner found to not be justifiable after an investigation
65 conducted pursuant to section 51-277a, or (K) the holder has been found
66 by a law enforcement unit, pursuant to procedures established by such
67 unit, to have committed any act that would constitute tampering with
68 or fabricating physical evidence in violation of section 53a-155, perjury
69 in violation of section 53a-156 or false statement in violation of section
70 53a-157b. Whenever the council believes there is a reasonable basis for
71 suspension, cancellation or revocation of the certification of a police
72 officer, police training school or law enforcement instructor, it shall give
73 notice and an adequate opportunity for a hearing prior to such
74 suspension, cancellation or revocation. Such hearing shall be conducted
75 in accordance with the provisions of chapter 54. Any holder aggrieved

76 by the decision of the council may appeal from such decision in
77 accordance with the provisions of section 4-183. The council may cancel
78 or revoke any certificate if, after a de novo review, it finds by clear and
79 convincing evidence (i) a basis set forth in subparagraphs (A) to (G),
80 inclusive, of this subdivision, or (ii) that the holder of the certificate
81 committed an act set forth in subparagraph (H), (I), (J) or (K) of this
82 subdivision. In any such case where the council finds such evidence, but
83 determines that the severity of an act committed by the holder of the
84 certificate does not warrant cancellation or revocation of such holder's
85 certificate, the council may suspend such holder's certification for a
86 period of up to forty-five days and may censure such holder of the
87 certificate. Any police officer or law enforcement instructor whose
88 certification is cancelled or revoked pursuant to this section may
89 reapply for certification no sooner than two years after the date on
90 which the cancellation or revocation order becomes final. Any police
91 training school whose certification is cancelled or revoked pursuant to
92 this section may reapply for certification at any time after the date on
93 which such order becomes final. For purposes of this subdivision, a
94 lawful order is an order issued by a police officer who is in uniform or
95 has identified himself or herself as a police officer to the person such
96 order is issued to at the time such order is issued, and which order is
97 reasonably related to the fulfillment of the duties of the police officer
98 who is issuing such order, does not violate any provision of state or
99 federal law and is only issued for the purposes of (I) preventing,
100 detecting, investigating or stopping a crime, (II) protecting a person or
101 property from harm, (III) apprehending a person suspected of a crime,
102 (IV) enforcing a law, (V) regulating traffic, or (VI) assisting in emergency
103 relief, including the administration of first aid.

104 Sec. 503. (NEW) (*Effective October 1, 2021*) (a) For purposes of this
105 section, "criminal act" means criminal act, as defined in section 53a-224
106 of the general statutes.

107 (b) A person is guilty of enticing a juvenile to commit a criminal act
108 if such person is twenty-three years of age or older and knowingly
109 causes, encourages, solicits, recruits, intimidates or coerces a person

110 under eighteen years of age to commit or participate in the commission
111 of a criminal act.

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

115 Sec. 504. (*Effective from passage*) (a) The Judicial Branch shall conduct
116 a study to determine the feasibility of (1) decreasing the period of time
117 between the arrest of a child and such child's initial court appearance,
118 in order to increase the likelihood that such child will attend such
119 appearance and reduce the likelihood of such child's recidivism, and (2)
120 establishing a diversionary program for children who are arrested, in
121 which participants shall report to a judge, juvenile probation officer or
122 clinical social worker licensed pursuant to chapter 383b of the general
123 statutes, on a weekly basis from the period of arrest until the
124 adjudication of the matter in order to reduce the likelihood of
125 recidivism.

126 (b) Not later than January 1, 2022, the Judicial Branch shall report the
127 findings of the study conducted pursuant to subsection (a) of this
128 section, in accordance with the provisions of section 11-4a of the general
129 statutes, to the joint standing committees of the General Assembly
130 having cognizance of matters relating to the judiciary and children.

131 Sec. 505. Subsection (d) of section 54-91c of the general statutes is
132 repealed and the following is substituted in lieu thereof (*Effective January*
133 *1, 2023*):

134 (d) Upon the request of a victim, prior to the acceptance by the court
135 of a plea of a defendant pursuant to a proposed plea agreement, the
136 state's attorney, assistant state's attorney or deputy assistant state's
137 attorney in charge of the case shall provide such victim with the terms
138 of such proposed plea agreement in writing. If the terms of the proposed
139 plea agreement provide for a term of imprisonment which is more than
140 two years or a total effective sentence of more than a two-year term of
141 imprisonment, the state's attorney, assistant state's attorney or deputy

142 assistant state's attorney in charge of the case shall indicate: (1) The
143 maximum period of imprisonment that may apply to the defendant; (2)
144 whether the defendant may be eligible to earn risk reduction credits
145 pursuant to section 18-98e; [and] (3) whether the defendant may be
146 eligible to apply for release on parole pursuant to section 54-125a; and
147 (4) whether the defendant may be eligible for automatic erasure of such
148 defendant's criminal conviction pursuant to subsection (e) of section 54-
149 142a, as amended by this act."

This act shall take effect as follows and shall amend the following sections:

Sec. 501	<i>January 1, 2023</i>	54-142a(e)(2)
Sec. 502	<i>October 1, 2021</i>	7-294d(c)
Sec. 503	<i>October 1, 2021</i>	New section
Sec. 504	<i>from passage</i>	New section
Sec. 505	<i>January 1, 2023</i>	54-91c(d)